

MONDAY, MAY 13, 1991

FORTY-SIXTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Jim Thomas, David Lipscomb University, Nashville, Tennessee.

Representative John Arriola led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

CONSENT CALENDAR

**\*House Bill No. 1187** -- Criminal Offenses -- Expands RICO to include certain offenses involving child pornography as predicate offenses. Amends TCA, Title 39, Ch. 12, Pt. 2.

**\*House Bill No. 1461** -- Taxes, Real Property -- Permits informal dispositions in certain property tax appeals. Amends TCA 67-5-1505.

**\*House Joint Resolution No. 0274** -- Memorials, Congress -- Urges enactment of POW/MIA Truth Bill; appointment of select committee; and continuance of funding for POW/MIA investigation.

**\*House Bill No. 0352** -- County Officers -- Revises qualifications for chief administrative officers of county road

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departments. Amends TCA, Title 54, Ch. 7.

On motion, House Bill No. 352 was made to conform with Senate Bill No. 622.

On motion, **Senate Bill No. 622**, on same subject, was substituted for House Bill No. 352.

**House Bill No. 1209** -- Salaries and Benefits -- Clarifies separation and control of maternity leave for teachers and maternity leave generally. Amends TCA 4-21-408.

On motion, House Bill No. 1209 was made to conform with Senate Bill No. 1321.

On motion, **Senate Bill No. 1321**, on same subject, was substituted for House Bill No. 1209.

**\*Senate Joint Resolution No. 0211** -- Naming and Designating -- Tennessee State Employee Week, June 23-29, 1991.

**\*House Bill No. 1041** -- Physicians and Surgeons -- Grants reciprocity to practice medicine to certain distinguished faculty members. Amends TCA 63-6-211.

On motion, House Bill No. 1041 was made to conform with Senate Bill No. 1307.

On motion, **Senate Bill No. 1307**, on same subject, was substituted for House Bill No. 1041.

**House Resolution No. 0095** -- Memorials, Interns -- Thomas James Ford.

**House Resolution No. 0096** -- Memorials, Public Service -- Winnie Cheairs, Volunteer of the Year.

**House Resolution No. 0098** -- Memorials, Heroism -- Ripley National Guard Unit.

**House Resolution No. 0101** -- Memorials, Sports -- Clarkrange Junior High School girls' basketball team.

**House Resolution No. 0102** -- Memorials, Personal Occasion -- Louis and Georgia Dagley, 50th wedding anniversary.

**House Resolution No. 0103** -- Memorials, Heroism -- Fentress countians serving in Middle East.

**House Resolution No. 0104** -- Memorials, Interns -- Ella Elyse Cullum.

**House Resolution No. 0105** -- Memorials, Interns -- Paul Winebarger.

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**House Resolution No. 0107 -- Memorials, Sports -- Charles McRae.**

**House Resolution No. 0108 -- Memorials, Recognition and Thanks -- John J. Faris.**

**House Joint Resolution No. 0326 -- Memorials, Personal Achievement -- Weakley County valedictorians and salutatorians.**

**House Joint Resolution No. 0329 -- Memorials, Sports -- Coach Thomas Watson.**

**House Joint Resolution No. 0330 -- Memorials, Sports -- Oneida High School football team.**

**House Joint Resolution No. 0331 -- Memorials, Sports -- Oneida High School girls' basketball team.**

**House Joint Resolution No. 0332 -- Memorials, Sports -- Celina High School football team.**

**House Joint Resolution No. 0333 -- Memorials, Recognition and Thanks -- Harold and Marie Willis.**

**House Joint Resolution No. 0335 -- Memorials, Public Service -- Mary Bolt, Girl Scouts.**

**House Joint Resolution No. 0336 -- Memorials, Death -- Chucky Mullins.**

**House Joint Resolution No. 0340 -- Memorials, Personal Occasion -- Ralph and Clara Adams, 50th Wedding Anniversary.**

**House Joint Resolution No. 0341 -- Memorials, Sports -- Huntsville Middle School girls' basketball team, T-N-T Class A state champions.**

**House Joint Resolution No. 0342 -- Memorials, Heroism -- Ripley National Guard Unit.**

**House Bill No. 1605 -- Cheatham County -- Enacts hotel/motel tax.**

**House Bill No. 1607 -- Crossville -- Permits term of mayor and commissioners to be staggered. Amends Chapter 519, Private Acts of 1953, as amended.**

**Senate Joint Resolution No. 0228 -- Memorials, Heroism -- Kingsport Memorial Gardens Park Military Monument.**

**Senate Joint Resolution No. 0230 -- Memorials, Public Service -- Tom Wesley, Honorary Tennessee Colonel.**

**Senate Joint Resolution No. 0231 -- Memorials, Public Service -- Recycle America Tri-Cities Recycling Center.**

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**Senate Joint Resolution No. 0233** -- Memorials, Interns -- Michael Coulter.

**Senate Joint Resolution No. 0237** -- Memorials, Congratulations -- Clinton Elementary School Chess Club Champions.

**Senate Joint Resolution No. 0238** -- Memorials, Public Service -- Jack Seaton.

**Senate Joint Resolution No. 0240** -- Memorials, Personal Achievement -- Gil Geidreich.

**Senate Joint Resolution No. 0241** -- Memorials, Personal Achievement -- Kelly Powell.

**Senate Joint Resolution No. 0242** -- Memorials, Heroism -- Kelly Phillips.

**Senate Joint Resolution No. 0245** -- Memorials, Professional and Business Achievement -- James M. Ryan.

**Senate Joint Resolution No. 0253** -- Memorials, Interns -- Stephanie Nails.

**Senate Joint Resolution No. 0266** -- Memorials, Heroism -- Johnny Todd Dyer.

**Senate Bill No. 1320** -- Madison County -- Adds certain sheriff's department positions for classified service category. Amends Chapter 54, Private Acts 1983.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1461**; by Rep. Chiles.

Under the rules, House Bill No. 1461 was/were placed at the foot of the calendar for Thursday, May 16, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles,

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Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 0168** -- Appropriations -- Appropriates funds to provide wheelchair vans for Upper Cumberland Area Regional Transit System.

Further consideration of House Bill No. 168, previously considered on April 29, 1991, at which time it was reset to the Calendar for May 13, 1991.

On motion of Rep. Rhinehart, **House Bill No. 168** was withdrawn from the House.

**\*Senate Bill No. 1495** -- Sexual Offenses -- Enacts "Rape Victims' Rights Act".

Further consideration of Senate Bill No. 1495, previously considered on April 15, 22 and 29, 1991, at which time it was substituted for House Bill No. 1487 then reset to the Calendar for May 13, 1991.

Rep. Purcell moved that Senate Bill No. 1495 be reset one week to the Calendar for Monday, May 20, 1991, which motion prevailed.

**House Bill No. 0926** -- Physicians and Surgeons -- Authorizes board of medical examiners to issue reciprocity licenses to certain physicians who qualify as distinguished professors. Amends TCA 63-6-211.

Further consideration of House Bill No. 926, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 13, 1991.

Rep. Jackson moved that **House Bill No. 926** be re-referred to the Calendar and Rules Committee, which motion prevailed.

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**House Bill No. 1159 -- Motor Vehicles --** Increases time period for filing written reports of accidents causing damage in excess of \$400. Amends TCA, Title 55.

Further consideration of House Bill No. 1159, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 13, 1991.

Rep. Davis (Cocke) moved that House Bill No. 1159 be reset to the Calendar for Wednesday, May 22, 1991, which motion prevailed.

**\*House Bill No. 0146 -- Insurance Companies, Agents, Brokers --** Increases minimum insurance requirements for operators of amusement rides. Amends TCA, Title 56.

Rep. Copeland moved that House Bill No. 146 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 146 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. As a condition of doing business in this state, insurance underwriters of commercial liability insurance shall design and recommend safety plans for safe working conditions in the workplace. The plan shall be designed for the workplace of the insured for which such insurance is issued. The plan shall be submitted to the insured within one hundred twenty (120) days of the date the insurance policy is issued or renewed if a plan has not previously been submitted to the insured prior to the effective date of this act. The plan may be revised at any time in the discretion of the underwriter or upon request of the insured.

The insured for whom the safety plan is designed shall not be required to accept or implement the plan in part or in whole. The insured shall be informed of the potential impact the implementation decision would have on premium rates, if any.

The underwriter or the insurance company shall not be responsible for enforcing the safety plan or any part thereof.

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**SECTION 2.** This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Copeland moved that **House Bill No. 146**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0301 -- Alcoholic Beverages -- Prohibits** issuance of retail beer permit without valid resale permit from department of revenue. Amends TCA 57-5-104.

On motion, House Bill No. 301 was made to conform with Senate Bill No. 974.

On motion, **Senate Bill No. 974**, on same subject, was substituted for House Bill No. 301.

Rep. Rhinehart moved that **Senate Bill No. 974** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 974** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . . 99  
Noes. . . . . 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 0014 -- Election Laws -- Prohibits conversion of campaign funds to personal use; expands requirements for conflict of interest disclosure statements. Amends TCA, Title 2, Ch. 10; Title 8, Ch. 50, Pt. 5.**

Further consideration of House Bill No. 14, previously considered on April 29 and May 6, 1991, at which time it was reset to the Calendar for May 13, 1991.

Rep. Kisber moved that House Bill No. 14 be passed on third and final consideration.

Rep. Kisber moved to amend as follows:

**Amendment No. 1**

AMEND House Bill No. 14 by deleting from Section 1(a)(2) the words: "pro rata to the candidate's contributors" and substituting instead: "to any or all of the candidate's contributors in accordance with a formula or plan specified in the candidate's disclosure of the allocation";

AND FURTHER AMEND by deleting from Section 1(b) the words and punctuation: "Violation of this subsection is a Class E felony." and substituting: "Violation of this subsection is a Class two (2) offense as defined in Section 2-10-110(a)(2).";

AND FURTHER AMEND by adding the following new subsection to Section 1:

( ) If the allocation made in accordance with



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subsection (a) is made after the post-election report required by Section 2-10-105(c)(4), then a report of the allocation shall be filed within ten (10) calendar days at the same office and with the same information as required in Section 2-10-107 for expenditures.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved to amend as follows:

Amendment No. 2

Amend House Bill No. 14 by adding the following new subsection (c) at the end of Section 1:

(c) Notwithstanding the provisions of subsections (a) or (b) to the contrary, any person who was elected on or before November 7, 1972, and has served continuously as a representative or senator since November 7, 1972, and is serving as a member of the general assembly on the effective date of this act may use campaign funds for his own personal financial benefit or any other lawful purpose until January 1, 1993. After January 1, 1993, any such campaign funds which were not used for personal benefit or any other lawful purpose may only be allocated or expended as provided in subsection (a).

Rep. Buck moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	77
Noes. . . . .	14
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Herron, Hill, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wood -- 77.

Representatives voting no were: Armstrong, Curlee, Ferguson, Hargrove, Haun, Hillis, Huskey, Knight, Purcell, Rhinehart, Robinson (Hamilton), Turner (Hamilton), Whitson, Wix -- 14.

Representatives present and not voting were: Bragg, Kisber, Love, Mr. Speaker Naifeh -- 3.

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Rep. Kernell moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Kernell moved to amend as follows:

**Amendment No. 4**

AMEND House Bill No. 14 by deleting Section 1(a)(6), in its entirety and by substituting instead the following:

(6) The funds may be distributed to an organization which has received a determination of exemption from the United States Internal Revenue Service pursuant to subsection (3) or (4) of 26 United States Code Section 501(c) if such organization is currently operating under such exemption.

AND FURTHER AMEND by adding by adding at the end of Section 1(a) the following new subsection:

(7) Any expense for the furtherance of the office of the officeholder.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Kisber moved that **House Bill No. 14**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	2
Present and not voting. . . . .	5

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Allen, Gunnels -- 2.

Representatives present and not voting were: Haun, Head, Rhinehart, Robinson (Washington), Wix -- 5.

A motion to reconsider was tabled.

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**REQUEST TO CHANGE VOTE**

**MR. SPEAKER:** Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to no on House Bill No. 14 and have this statement entered in the Journal.

Rep. Tommy Haun

**REQUEST TO CHANGE VOTE**

**MR. SPEAKER:** Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on House Bill No. 14 and have this statement entered in the Journal.

Rep. Doug Gunnels

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 0996** -- Agriculture -- Enacts "Tennessee Aquaculture Policy Act of 1991". Amends TCA, Title 43.

Rep. Curlee moved that House Bill No. 996 be reset one week to the Calendar for May 20, 1991, which motion prevailed.

**House Bill No. 1026** -- Correction, Dept. of -- Prohibits use of department probation program for misdemeanants. Amends TCA, Title 40.

Rep. Wix moved that House Bill No. 1026 be reset to the Calendar for Thursday, May 16, 1991, which motion prevailed.

**House Bill No. 0828** -- Correctional Programs -- Establishes pilot project for chemically dependent inmates. Amends TCA, Titles 4, 8, 33, 40, 41.

On motion, House Bill No. 828 was made to conform with Senate Bill No. 1176.

On motion, **Senate Bill No. 1176**, on same subject, was substituted for House Bill No. 828.

Rep. Rigsby moved that **Senate Bill No. 1176** be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1176 by adding the following new section immediately preceding the last section and by

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renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Notwithstanding any provision of this act to the contrary and notwithstanding the fact that state inmates housed within county correctional facilities may participate in programs established pursuant to the provisions of this act, no state funds shall be obligated or expended to implement the provisions of this act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Rigsby moved that **Senate Bill No. 1176**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 0399** -- Fire Prevention and Investigation -- Requires certain buildings to have fire protection sprinkler system. Amends TCA, Title 68, Ch. 17, Pt. 1.

Rep. Niceley moved that House Bill No. 399 be passed on third and final consideration.

Rep. Niceley moved that House Bill No. 399 be reset to the first available space on the Calendar for February, 1992, which motion prevailed.

**House Bill No. 0400** -- Codes -- Requires state fire marshal to monitor local governments that are exempt from statewide codes. Amends TCA 68-18-101.

Rep. Niceley moved that House Bill No. 400 be reset to the first available space on the Calendar for February, 1992, which motion prevailed.

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**House Bill No. 0786** -- Education -- Revises hearing requirement for suspension of students for certain periods. Amends TCA 49-6-3401.

Further consideration of House Bill No. 786, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 13, 1991.

On motion, House Bill No. 786 was made to conform with Senate Bill No. 11.

On motion, **Senate Bill No. 11**, on same subject, was substituted for House Bill No. 786.

Rep. Jackson moved that **Senate Bill No. 11** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved that we reconsider our action on Amendment No. 1, which motion prevailed.

Rep. Davidson moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 11 by deleting the amendatory language of subdivision (4) of subsection (c) in its entirety and by substituting instead the following new language:

(4)

(A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed which would justify a suspension for more than ten (10) days, such person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary

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hearing authority, if appointed, shall consist of at least one (1) licensed employee of the local education agency, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary hearing authority shall give written notice of the time and place of the hearing to the parent or guardian, the student and the school official designated above who ordered the suspension. Notice shall also be given to the local education agency employee referenced in (B) above who requests a hearing on behalf of a suspended student.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 11 by deleting the period at the end of the amendatory language of subdivision 4 (B) and by adding the words "if requested by the student."

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Jackson moved that **Senate Bill No. 11**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

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**Senate Bill No. 0685** -- Sunset Laws -- Extends termination date of health facilities commission. Amends TCA, Title 4, Ch. 29; Title 33, Ch. 5; Title 56, Ch. 7; Title 68, Ch. 11.

Further consideration of Senate Bill No. 685, previously considered on May 1, 1991, at which time it was substituted for House Bill No. 50 then reset to the Calendar for May 13, 1991.

Rep. King moved that **Senate Bill No. 685** be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 685 by adding new Sections 3, 4 and 5 as follows and by renumbering the existing Section 3 as Section 6:

SECTION 3. Tennessee Code Annotated, Section 68-11-102, is amended by deleting item (5)(A) in its entirety and by substituting instead the following:

(5)(A) "Health care institution" means any agency, institution, facility or place, whether publicly or privately owned or operated, which provides health services and which is one of the following: psychiatric hospital, intermediate care facility for the mentally retarded (ICF/MR) licensed by the department of mental health and mental retardation, nursing home, hospital, home health agency, recuperation center, outpatient diagnostic center, or medical laboratory if licensed by the department of health and environment; provided, however, an outpatient diagnostic center and a medical laboratory is not a health care institution if it is within the scope of subdivision (B)(ii).

SECTION 4. Tennessee Code Annotated, Section 68-11-106(e), is amended by adding the following new subdivision:

(4) Notwithstanding any provision of this chapter to the contrary, the establishment, construction or renovation of an ambulatory surgical treatment center, or the construction or renovation of hospital facilities used primarily for outpatient surgery, shall not require a certificate of need pursuant to this section.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect

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without the invalid provision or application, and to that end, the provisions of this act are declared severable.

Rep. Buck moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend Senate Bill No. 685 by deleting the language in its entirety and substituting instead the following:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 68-11-106, is amended by adding the following new, appropriate designated subsections and renumbering any subsequent subsections accordingly:

( ) Notwithstanding any provision of this chapter to the contrary, if a hospital is permitted to replace its facility or facilities under this section, any existing hospital within a two (2) mile radius of a purchased site for the replacement hospital facility, and within the same county as that replacement facility, shall not be subject to the certificate of need requirements of subsection (a)(2) of this section pertaining to modifications of the existing hospital's facilities involving capital expenditures for a period of one (1) year following the substantial completion of the relocated hospital facility. Any existing hospital exempt under the preceding sentence shall provide a credit to the State of Tennessee in the amount of any increase in capital-related costs to the state's Medicaid program in the same manner and to the same extent that a replacement hospital exempt under this chapter would provide a credit.

( ) The exemption permitting the relocation of a hospital under this chapter without a certificate of need shall not allow such facility to purchase items of additional major medical equipment, as defined as of July 1, 1991 in Tennessee Code Annotated, Section 68-11-102(11) not located in the facility being replaced, or allow such facility to add medical services as defined as of July 1, 1991 in Tennessee Code Annotated, Section 68-11-106(a)(4) not provided in the facility being replaced without obtaining certificate of need under the provisions of this chapter. It is further provided that all exemptions from Tennessee Code Annotated, Section 68-11-106, for a hospital which relocates under the provisions of this chapter shall expire for that hospital one (1) year after the substantial completion of the hospital's relocation.

( ) The exemption permitting existing hospitals



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located within a two (2) mile radius of an exempt replacement hospital to make modifications involving capital expenditures to its existing facilities without obtaining a certificate of need, under subsection \_\_\_ of this section, shall not apply to the purchase of additional major medical equipment as defined as of July 1, 1991 in Tennessee Code Annotated, Section 68-11-102(11), the providing of additional medical services as defined as of July 1, 1991 in Tennessee Code Annotated, Section 68-11-106(a)(4), or the addition of licensed hospital beds.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. King moved to adopt Amendment No. 1, as amended, which motion prevailed.

Rep. Bragg moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	66
Noes. . . . .	26
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Garrett, Givens, Haley, Hargrove, Harrill, Hassell, Haun, Head, Hill, Holt, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McKee, Meyer, Moore, Napier, Peroulas Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Anderson, Byrd, Chiles, Curlee, Davidson, Duer, Gunnels, Halteman, Herron, Hillis, Hubbard, Jackson, Joyce, McDaniel, Niceley, Nuber, Pinion, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Union), Windle, Wood -- 26.

Representatives present and not voting were: Armstrong -- 1.

Thereupon, Rep. King moved that **Senate Bill No. 685**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Copeland -- 1.

Representatives present and not voting were: Holcomb -- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0051 -- Memorials, Government Officials -- Urges seeking of medicaid matching funds for mammograms and pap tests.**

Rep. West moved that House Joint Resolution No. 51 be adopted.

Rep. West moved to amend as follows:

**Amendment No. 1**

Amend House Joint Resolution No. 51 by changing the word "directs" in the fifth paragraph to "urges".

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Joint Resolution No. 51** as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson

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(Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0247** -- General Assembly, Confirmation of Appointment -- Howard E. Bond, Registry of Election Finance.

Rep. Purcell moved that House Joint Resolution No. 247 be adopted, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Jones U (Shelby) -- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0248** -- General Assembly, Confirmation of Appointment -- Carole S. Bucy, Registry of Election Finance.

Rep. Purcell moved that House Joint Resolution No. 248 be adopted, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross,

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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Jones U (Shelby)  
-- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0249** -- General Assembly, Confirmation of Appointment -- Jamye Coleman Williams, Registry of Election Finance.

Rep. Purcell moved that House Joint Resolution No 249 be adopted, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Jones U (Shelby)  
-- 1.

A motion to reconsider was tabled.

**House Bill No. 0986** -- Hospitals and Health Care Facilities -- Clarifies insurer's duty to request information to pay assigned benefits. Same as HB 1364. Amends TCA 68-11-219.

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On motion, House Bill No. 986 was made to conform with Senate Bill No. 919.

On motion, **Senate Bill No. 919**, on same subject, was substituted for House Bill No. 986.

Rep. Jackson moved that **Senate Bill No. 919** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Jackson moved that **Senate Bill No. 919** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 1557 -- Hospitals and Health Care Facilities --** Makes pilot program applicable to Putnam County. Amends TCA 12-4-320.

Rep. Hargrove moved that House Bill No. 1557 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Hargrove moved that **House Bill No. 1557** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1236** -- Judicial Districts -- Creates 32nd judicial district. Amends TCA, Title 8; Title 16, Ch. 2.

Rep. Hargrove moved that House Bill No. 1236 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1236 by deleting Sections 1, 2, 3, 4, 5, and 6 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-2-506, is amended by changing the semicolon ";" at the end of subsection (13)(B) to a period "." and by adding the following to the end of such subsection:

Effective July 1, 1991, the district attorney general of the thirteenth judicial district shall be entitled to an additional assistant district attorney general position to be appointed and who shall have the same qualifications and duties as is provided in Tennessee Code Annotated, Section 16-2-508.

SECTION 2. Tennessee Code Annotated, Section 8-14-202, is amended by designating the existing language of subsection (d) as (d)(1) and by adding the following new (d)(2):

(2) Notwithstanding the provisions of subpart (1) of this subsection, effective July 1, 1991, the district public defender of the thirteenth judicial district shall be entitled to an additional assistant district public defender position to be appointed and

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who shall have the same qualifications and duties as is provided in subsection (b) of this section.

**SECTION 3.** This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 1236 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not constitute an appropriation of funds and no funds shall be obligated or expended to implement the provisions of this act unless such funds are specifically appropriated for such purpose in the general appropriations act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Hargrove moved that **House Bill No. 1236**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odum, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 0205 -- Courts, General Sessions --** Creates new general sessions court in certain counties. Amends Chapter 772, Public Acts of 1982. Same as \*SB 44.

On motion, House Bill No. 205 was made to conform with Senate Bill No. 1046.

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On motion, **Senate Bill No. 1046**, on same subject, was substituted for House Bill No. 205.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 1046 by deleting from Section 2 the words and figures "Divisions I through VI" and by substituting instead the words and figures "Divisions VII through XIII".

On motion, Amendment No. 1 was adopted.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Thereupon, Rep. Kent moved that **Senate Bill No. 1046**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 1260** -- Sentencing -- Clarifies sentencing procedure for certain inmates. Amends TCA, Titles 40, 41.

On motion, House Bill No. 1260 was made to conform with Senate Bill No. 1384.

On motion, **Senate Bill No. 1384**, on same subject, was substituted for House Bill No. 1260.

Rep. Purcell moved that **Senate Bill No. 1384** be passed on third and final consideration.



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On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Purcell moved that **Senate Bill No. 1384** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	84
Noes. . . . .	11
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kiser, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Byrd, Duer, Haley, Hassell, Joyce, McKee, Niceley, Nuber, Shirley, Stamps, Tullos -- 11.

Representatives present and not voting were: Holcomb -- 1.

A motion to reconsider was tabled.

**BILL RETURN REQUESTED**

Pursuant to **Rule No. 54**, Rep. Kent moved that the Clerk request the return of Senate Bill No. 1046 from the Senate, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1252 -- Solid Waste Disposal -- Enacts "Solid Waste Management Act of 1991". Amends TCA, Titles 49, 67; Title 68, Ch. 31.**

Rep. Purcell moved that House Bill No. 1252 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

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Amendment No. 1

AMEND House Bill No. 1252 in Section 2(a)(1) by deleting the word "corporation" and by substituting instead the word "instrumentality".

AND FURTHER AMEND in Section 2(a) by deleting item (2) and by substituting instead the following as a new item (2):

(2) "Board" means a board, established to manage the affairs of a municipal solid waste management region, except in Sections 8, 9, 22, 23, 36, 49 and 86 where "board" means the solid waste disposal control board created in Tennessee Code Annotated, Section 68-31-111;

AND FURTHER AMEND in Section 2(a) by deleting item (4) and by substituting instead the following:

(4) "Convenience center" means any area which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive household waste, municipal solid waste, and recyclable materials;

AND FURTHER AMEND in Section 2(a)(8) by inserting the language "and yard waste" between the language "refuse," and "derived from".

AND FURTHER AMEND in Section 2(a)(10) by inserting the language "household hazardous waste, yard waste," between the language "household waste," and "and any other material".

AND FURTHER AMEND in Section 2(a)(11) by deleting the item in its entirety and by substituting instead the following:

(11) "Operator" means the person who is in charge of the actual, on-site operation of a solid waste management facility during any period of operation;

AND FURTHER AMEND in Section 2(a)(13) by deleting the item in its entirety and by substituting instead the following:

(13) "Recovered materials" means those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation processing;

AND FURTHER AMEND in Section 2(a)(14) by deleting the item in its entirety and by substituting instead the following:

(14) "Recyclable materials" means those materials which are capable of being reused or returned to use in the form of raw materials or products, whether or not such materials have been diverted or removed from the solid waste stream;

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AND FURTHER AMEND in Section 2(a)(18) by inserting the language ", but does not include recovered materials" between the language "Section 68-31-103(7)" and the punctuation ";

AND FURTHER AMEND in Section 2(a)(21) by deleting the item in its entirety and by substituting instead the following:

(21) "Transporter" means a person engaged in the transportation of municipal solid waste collected or to be baled or processed, or disposed of in Tennessee by rail, highway, or water, in significant amounts. The amounts deemed significant shall be determined by the board and established by regulation;

AND FURTHER AMEND in Section 2(a)(19) by:

(1) inserting the language ", or recovered" between the words "synthetic" and "oil"; and

(2) inserting the language "or may be burned as fuel" between the word "recyclable" and the punctuation ";

AND FURTHER AMEND in Section 2(a) by appropriately inserting the following new items and by redesignating existing items appropriately:

( ) "Recovered materials processing facility" means a facility engaged in the storage, processing, and resale or reuse of recovered materials;

( ) "Solid waste combustor" or "incinerator" means a solid waste management facility engaged in reducing the amount of solid waste to be disposed of at a landfill through a process of combustion, with or without the recovery of energy; also includes all land, rights in land, buildings, fixtures, equipment and real and personal property appurtenant thereto or connected with such work;

( ) "Solid waste management" means the storage, collection, transfer, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

( ) "Solid waste management facility" means any facility the primary purpose of which is the storage, collection, transfer, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. A recovered materials processing facility is not a solid waste management facility;

( ) "Solid waste stream" means the system through which solid waste and recoverable materials moves from the point of discard to recovery or disposal;

( ) "Yard waste" means vegetative matter resulting

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from landscaping, lawn maintenance, and land clearing operations other than mining, agricultural, and forestry operations.

AND FURTHER AMEND in Section 4 by inserting the words "or radioactive waste" between the word "waste" and the punctuation ".".

AND FURTHER AMEND in the second sentence of the amendatory language in Section 5 by inserting the language "subject to the appropriation of funds in the general appropriations act for such purposes," between the language, "Therefore," and "the department".

AND FURTHER AMEND in the third sentence of the amendatory language in Section 5 by inserting the language "subject to the appropriation of funds in the general appropriations act for such purposes" between the language "Further," and "the department".

AND FURTHER AMEND in the amendatory language of Section 6 by deleting the language "part of the wastes collected from individual generators" and by substituting instead the language "function of solid waste collection".

AND FURTHER AMEND by adding the following new subsection (c) to Section 9:

(b) Tennessee Code Annotated, Title 68, Chapter 31, is amended by adding the following as a new subsection to be appropriately designated:

( ) To ensure that landfills and processing facilities receive only lawfully acceptable waste, the operator of each facility shall inspect waste received at the facility in accordance with a plan approved by the commissioner. Such plan shall provide for a level of inspection that is equivalent to that which is required for baled waste in Section 8 of this act.

AND FURTHER AMEND in Section 10 by:

(1) deleting the language "regional needs assessment" wherever it appears and by substituting instead the language "district needs assessment" in subsections (a), (b), and (c); and

(2) by deleting the word "regional" in subdivision (c)(7) and by substituting instead the word "district".

AND FURTHER AMEND in Section 11 by deleting the word "environmentalist" and by substituting instead the word "environmental".

AND FURTHER AMEND in Section 12 by deleting subsections

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(a), (b) and (c) and by substituting instead the following as new subsections (a), (b) and (c):

(a)

(1) After consideration of the needs assessment is completed, municipal solid waste regions shall be established by resolutions of the respective county legislative bodies by December 12, 1992. A municipal solid waste region shall consist of one county or two or more contiguous counties. If the region consists of more than one county, an agreement establishing the region shall be approved by the legislative body of each county that is a party to the agreement. The county clerk of each county shall provide a copy of the resolution establishing the region to the state planning office by December 31, 1992.

(2) The preferred organization of the regions shall be multi-county. Any county adopting a resolution establishing a single county region shall state the reasons for acting alone in the resolution.

(b) The resolution establishing a region for a county or approving an agreement to establish a region with other counties, shall provide for the establishment of a board to administer the activities of the region. This board shall consist of an odd number not less than five (5) nor more than fifteen (15). Each county that is a member of a region shall be represented by at least one (1) member on the board. Municipalities that provide solid waste collection services or provide solid waste disposal services, directly or by contract, shall be represented on the board. The members of the board shall be elected by the legislative or governing bodies of the counties and eligible municipalities within the region. The members of the board shall serve for terms of six (6) years or until their successors are elected and are qualified by taking an oath of office, except that the initial board shall have approximately one-third of the members with terms of two (2) years and approximately one-third of the members with terms of four (4) years, so as to stagger the terms of office.

(c) Each region shall develop a plan for a ten (10) year disposal capacity, and for achieving a twenty-five percent (25%) waste reduction goal in accordance with Section 25.

AND FURTHER AMEND in Section 12 by adding the following as a new subsection to be appropriately designated:

( ) The legislative body of any municipality which lies within the boundaries of two (2) or more regions shall select by resolution which region it shall participate in.

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AND FURTHER AMEND in Section 12 by adding the following as a new subsection to be appropriately designated:

( ) Within each municipal solid waste region the board of the region shall establish a regional municipal solid waste advisory committee whose composition shall be determined by the board.

AND FURTHER AMEND in Section 13 by adding the following as a new subsection to be appropriately designated:

( ) Before submitting the plan required by this act, each municipal solid waste region shall hold a public hearing on the plan.

AND FURTHER AMEND in Section 13 by deleting subsection (a) and by substituting instead the following as a new subsection (a):

(a)

(1) Each region shall submit its plan to the state planning office by December 31, 1993. The plan shall be formulated in strict compliance with Section 14. After receiving a plan, the state planning office shall approve or disapprove the plan within ninety (90) days. The planning office shall approve the plan if it adequately addresses each element required by Section 14. If a plan is disapproved, the state planning office shall state in detail the reasons for such disapproval. The region shall review any disapproved plan and shall resubmit a plan which corrects all deficiencies to the state planning office within thirty (30) days of receiving the letter of disapproval.

(2) The plan shall be revised to reflect subsequent developments in the region every five (5) years after 1993.

(3) The state planning office may require annual progress reports on the implementation of a plan from a region.

AND FURTHER AMEND in Section 13(b) by inserting the language "or incinerator" immediately after the words "disposal facility" wherever they appear in subsection (b).

AND FURTHER AMEND by deleting Section 13(b)(1) and by substituting instead the following as a new subdivision (b)(1):

(b)(1)(A) If the director of the state planning office approves the plan, the region or solid waste authority, by resolution and subsequent adoption of ordinances by counties and municipalities in the region, may also

regulate the flow of collected municipal solid waste generated within the region. Prior to the adoption of any resolution declaring the necessity of requiring mandatory flow of municipal solid waste, the region or authority, following one or more public hearings, shall demonstrate in writing to the director of the state planning office that it has considered the utilization of any municipal solid waste management facility in existence within the region of the effective date of this act which meets the proposed or final federal Resource Conservation and Recovery Act (RCRA) Subtitle D regulations. The region or authority must show that its decision not to use the existing facility is based on the fact that:

(i) Such facility is environmentally unsound or inadequate to meet the region's ten (10) year capacity assurance plan;

(ii) Costs for the use of such facility are inconsistent with comparable facilities within the State of Tennessee; or,

(iii) The existing facility is operating in a manner that is inconsistent with the plan; and,

(iv) The waste subject to flow control will be sent only to a facility or facilities that meet all state and federal regulations;

(B) The region or authority may restrict access to any landfills and incinerators which dispose of municipal solid waste by excluding waste originating with persons or entities outside the region in order to effectuate the plan. A region may not exclude waste originating outside of the region in order to preserve disposal capacity in excess of that required by the region's ten (10) year plan.

(C) Appeal of final actions of the region or authority, including any determinations under subdivision (b)(1), shall be taken by an aggrieved person within thirty (30) days to the chancery court of Davidson County.

(D) After the plan is approved, the region must approve any application for a permit for a solid waste disposal facility within the region as consistent with the region's disposal needs before any permit is issued by the commissioner pursuant to Tennessee Code Annotated, Title 68, Chapter 51.

AND FURTHER AMEND in Section 13(b)(2)(D) by deleting the language "(b)(2)(C)" and by substituting instead the language "(b)(2)(B)."

AND FURTHER AMEND in Section 13(b)(2)(D) by adding the following new language at the end of the item:

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The court shall exercise the same review as it would in a case arising under Tennessee Code Annotated, Title 4, Chapter 5. For the purposes of this section, an "aggrieved person" shall be limited to persons applying for permits, persons who own property or live within a three (3) mile radius of the facility or site that is proposed for permitting, or cities and counties in which the proposed facility is located."

AND FURTHER AMEND in Section 13(b)(5) by deleting the word "recyclables" and by substituting instead the words "recovered materials."

AND FURTHER AMEND in Section 14(b)(7) by inserting the words "public and private" between the words "current" and "recycling".

AND FURTHER AMEND in Section 16 by adding the following language as a new subsection (c):

(c) Any person who violates Sections 33(a), 36(a), or 37 of this act or who violates Tennessee Code Annotated, Section 68-31-608, shall be subject to the penalties provided for in Tennessee Code Annotated, Section 68-31-117.

AND FURTHER AMEND in Section 17(a) by deleting the subsection in its entirety and by substituting instead the following as a new subsection (a):

(a) From available funds in the solid waste management fund established by this act, the state planning office may award annual grants to the University of Tennessee County Technical Assistance Service, the University of Tennessee Municipal Technical Advisory Service, the development districts, and the department of economic and community development's division of local planning. Upon receiving such grant funds, these agencies shall render technical assistance to regions, counties, and municipalities as needed in the development of the plan required by this act.

AND FURTHER AMEND in Section 18 by adding the following language at the end of the section:

The director of the state planning office shall appoint members of the committee in consultation with statewide organizations representing the various interests on the committee.

AND FURTHER AMEND in Section 18 by:

(1) deleting the language "nine (9)" and substituting the language "ten (10)" in the first sentence of the section; and



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(2) deleting the words "and recycling" from the second sentence of the section; and

(3) inserting the language "one (1) member representing the recycling industry," after the word "industry" in the second sentence of the section; and

(4) deleting the word "environmentalist" and by substituting instead the word "environmental".

AND FURTHER AMEND in Section 19 by deleting the words "regional needs" wherever they appear in subsections (a) and (b) and by substituting instead "district needs".

AND FURTHER AMEND in Section 21(a) by deleting the subsection and by substituting instead the following as a new subsection (a):

(a) Effective January 1, 1995, each county shall assure that one or more municipal solid waste collection and disposal systems are available to meet the needs of the residents of the county. Such systems shall complement and supplement those provided by any municipality. The minimum level of service that the county shall assure is a system consisting of a network of convenience centers throughout the county. Unless a higher level of service, such as household garbage pickup, is available to the residents, a county shall provide, directly, by contract, or through a solid waste authority, convenience centers which shall meet minimum design standards to be developed by the department and established by regulation. The department in consultation with the state planning office shall also develop regulations to be promulgated by the board for determining the minimum requirements for and number of convenience centers or other forms of collection that a county shall maintain. Such regulations shall consider county population, area, distances to possible convenience center sites, and staffing requirements.

AND FURTHER AMEND in Section 21(c) by deleting the language ", but not maintaining," and by substituting instead the language "and maintaining".

AND FURTHER AMEND in Section 21(c) by deleting the words "shall train" and substitute instead "shall offer training" in the second sentence of the subsection.

AND FURTHER AMEND in Section 21(d) by inserting the language "one-half of the" in the fourth sentence of the existing subsection between the words "lower" and "economic scale".

AND FURTHER AMEND in Section 21(d) by inserting the following as a new sentence immediately after the second sentence of the subsection:

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Such funds may also be applied to expenditures for developing and printing of operating manuals, but such funds may not be used for regular operating expenses of a recurring nature.

AND FURTHER AMEND in Section 21(d) by deleting the word "commissioner" in the third and fifth sentences of the subsection and by substituting instead the word "board".

AND FURTHER AMEND in Section 22 by deleting the section in its entirety and by substituting instead the following as a new Section 22:

SECTION 22. Transporters of municipal solid waste collected in Tennessee or transporters of municipal solid waste to be disposed of in Tennessee shall register with the department and shall register annually thereafter. The registration shall include information as to each county in which the transporter collects or unloads municipal solid waste, the amount and kinds of waste transported, the number of households or establishments served for waste collected in Tennessee, the destination of wastes transported, and any other information that the commissioner may deem relevant to solid waste planning and management as established by regulation promulgated by the board. The department may collect from the registering transporters a reasonable fee to be established by regulation. This fee shall be used by the department to offset the expenses of registration. The department shall develop data from the information gathered from the registrations relevant to each county, region, or solid waste authority. This relevant data shall be furnished annually by the region, solid waste authority, and development district.

AND FURTHER AMEND in Section 23(a) by inserting the language "or any subsequently designated date for Rule 1200-1-7-.04(1)(b)(3)(ii) to take effect" between the language "March 19, 1994," and "the board" in the first sentence of the subsection.

AND FURTHER AMEND in Section 23(a)(1) by:

(1) inserting the language ", attendants," between the words "operators" and "and other persons" in the first sentence of the subsection; and

(2) in (a)(4) by inserting the words "or attendant" between the words "operator" and "training"; and

(3) in (a)(5) by deleting the word "operators" and by substituting instead the word "attendants".

AND FURTHER AMEND in Section 24 by inserting the words "or

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recycling" between the words "collection" and "services".

AND FURTHER AMEND in Section 24 by inserting the language "municipality, or solid waste authority" immediately after the word county wherever it appears in the section.

AND FURTHER AMEND in Section 25 by:

(1) deleting subsection (a) and by substituting instead the following as new subsection (a);

(a) The goal of the state is to reduce by twenty-five percent (25%) the amount of solid waste disposed of at municipal solid waste disposal facilities and incinerators, measured on a per capita basis within Tennessee by weight, by December 31, 1995. The goal shall also apply to each municipal solid waste region; provided, however, the goal shall not apply to individual disposal facilities or incinerators. The base year from which reductions are to be measured is 1989, unless a region can demonstrate that 1989 data is clearly in error.

(2) deleting subsection (b) and by substituting instead the following as a new (b):

(b) If a region is unable to meet the twenty-five percent (25%) reduction goal, then such region may apply to the state planning office for a variance. If the director of the state planning office determines that the applicant region has made a good faith effort to meet the goal, as demonstrated by actions of the region's counties, municipalities, or solid waste authorities, to implement the region's plan, and that the applicant failed to meet the goal due to circumstances beyond the control of the region or of the county, counties, or municipalities which constitute the region, then the director shall grant the region a variance from the goal. The variance may grant an extension of no more than five (5) years in attaining the goal. This variance may be extended only if the director of the state planning office, determines that the region has taken all practicable steps to meet the goal. The region, if approved by the director of the state planning office, may also adjust the base figure upon which the goal is calculated when more accurate data is available. A region which includes a county which does not collect waste as of January 1, 1991, shall obtain a variance from the waste reduction goals until a collection system and base year data have been established.

(3) Adding the following new language between the third and fourth sentences of subsection (d): "Measurements of waste disposed of shall not include materials that are

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recovered or collected for recycling".

(4) deleting subsection (e) and by substituting instead the following as a new subsection (e):

(e) In the absence of a variance, failure to meet the twenty-five percent (25%) waste reduction goal may subject the offending counties and municipalities, including any solid waste authority created by such counties and municipalities, to sanctions in the same manner as a region may receive sanctions pursuant to Section 16. In the event the failure of a region to meet its waste reduction goals is due to the failure of less than all of the constituent counties or municipalities of the region, the commissioner may apply sanctions only to the counties, municipalities, or solid waste authorities that have caused the failure.

AND FURTHER AMEND in Section 25(f) by deleting the third sentence of the subsection.

AND FURTHER AMEND in Section 26 by:

(1) adding the language "or incinerator" immediately after the language "disposal facility" wherever it occurs in subsections (a) and (b);

(2) inserting the language ", municipalities, and solid waste authorities" between the words "counties" and "with" in subsection (c); and

(3) inserting the language "or incinerators" between the words "facilities" and "shall" in the first sentence of subsection (d).

AND FURTHER AMEND in Section 26(a) by deleting the language "on and after March 18, 1994," and by substituting instead the language "on or before March 18, 1994, or any subsequently designated date for Rule 1200-1-7-.04(1)(b)(3)(ii) to take effect" in the second sentence of the subsection.

AND FURTHER AMEND in Section 27 by deleting the section in its entirety and by substituting instead the following as a new Section 27:

#### SECTION 27.

(a) Effective January 1, 1996, each county shall provide, directly, by contract, or through a solid waste authority, one (1) or more sites for collection of recyclable materials within the county unless an adequate site for collection of recyclable materials is not otherwise available to the residents of the county.

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(b) Each person or entity operating a collection site for recyclable materials shall annually report the quantities of recyclable materials collected, by type of material, to the region, which shall then report the amount and type of recycled materials collected in the region annually to the state planning office.

AND FURTHER AMEND in Section 28 by inserting the language ", municipality, authority, or region" between the words "county" and "which".

AND FURTHER AMEND in Section 28 by deleting the words "state planning office" and by substituting instead the words "institute for public service of the University of Tennessee."

AND FURTHER AMEND in Section 30(b)(2) by inserting the language "and private, for profit" between the words "public" and "and".

AND FURTHER AMEND in Section 31 by deleting the words "the fund" and by substituting instead the words "funds available in the solid waste management fund established by this act".

AND FURTHER AMEND in Section 31 by adding the following new language at the end of the section:

Such council shall include representatives from the for-profit recycling business sector, non-profit recycling sector, non-profit or volunteer environmental organizations, and the manufacturing sector.

AND FURTHER AMEND in Section 32 by:

(1) In item (1) deleting the language "statewide scope" and by substituting instead the language "the maximum extent practicable";

(2) in item (2) by deleting the item in its entirety and by substituting instead the following:

(2) "Expand such program to the maximum extent practicable to include other kinds of recyclable materials, including, but not limited to, newsprint, plastic bottles, mixed paper, and steel cans;

(3) in item (3) by inserting the language "to the maximum extent practicable" between the words "institutions" and "to collect"; and

(4) in item (9) by deleting the word "Negotiate" and by substituting instead the word "Effect".

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AND FURTHER AMEND in Section 32(5) by deleting the item and by substituting instead the following as a new item (5):

(5) Recycle surplus state property to the maximum extent practicable, under the program authorized by this act and under Tennessee Code Annotated, Section 12-2-404, which cannot be sold for reuse, notwithstanding the existence of any other provision of law, rules or regulations to the contrary;

AND FURTHER AMEND in Section 33 by deleting the section in its entirety and by substituting instead the following as a new Section 33:

SECTION 33.

(a) Effective January 1, 1995, no municipal solid waste disposal facility or incinerator shall accept for disposal any whole waste tires, lead-acid batteries, or used oil when an operator or attendant either knew or should have known of the presence of such prohibited materials; provided, however, subject to other applicable law and regulations whole waste tires may be incinerated.

(b) By January 1, 1995, each county shall provide, directly, by contract, or through a solid waste authority, at least one (1) site to receive and store waste tires, used automotive oils and fluids, and lead-acid batteries, if adequate sites are not otherwise available in the county for the use of the residents of the county. A single site need not receive all of the items for which collection is required by this section, but all items listed above shall have at least one (1) site for reception and storage in the county. The operator of any such sites provided by a county shall sell and/or cause the transfer of the recyclable materials stored at these sites to a commercial recycler or a regional receiving facility for such wastes as often as is practicable.

AND FURTHER AMEND in Section 34 by deleting the section in its entirety and by substituting instead the following as a new Section 34:

SECTION 34. From funds available from the solid waste management fund, the department shall establish a pilot project for the collection of household hazardous waste at a permanent site in a county with a population in excess of one hundred thousand (100,000) according to the 1990 federal census or any subsequent federal census.

AND FURTHER AMEND in Section 35 by deleting the section in its entirety and by substituting instead the following as a new Section 35:

SECTION 35. From funds available from the solid waste management fund, the department shall provide, directly or by contract, mobile collection units to provide collection of household hazardous wastes on designated days in each county. Each county or solid waste authority, if created, shall provide a service site and shall advertise in newspapers of general circulation in the county the day(s) and hours and location where the household hazardous wastes will be collected by the mobile unit. The advertisements shall also identify examples of household hazardous wastes that the mobile unit will receive. The county or solid waste authority shall also furnish at least one (1) person to represent the county or solid waste authority at the service site on the days of collection and who will assist the persons operating the mobile collection unit.

AND FURTHER AMEND in Section 36(b) by deleting the word "commissioner" and by substituting instead the word "board".

AND FURTHER AMEND in Section 36(c) by deleting the language "two (2)" and by substituting instead the language "six (6)".

AND FURTHER AMEND in the amendatory language to Section 47 by inserting the language "From available funds in the solid waste management fund," immediately before the language "The institute".

AND FURTHER AMEND by designating the existing amendatory language of Section 47 as subsection (a) of the new section and by adding the following in the amendatory language as a new subsection (b):

(b) The center for industrial services of the institute for public service shall perform waste audits for private businesses pursuant to guidelines developed by the state planning office.

AND FURTHER AMEND in Section 48 by inserting the language "From available funds in the solid waste management fund," immediately before the language "The University".

AND FURTHER AMEND in Section 49(a)(6) by deleting the word "commissioner" and by substituting instead the word "board".

AND FURTHER AMEND in Section 49 by inserting the word "Public" immediately before the word "costs" in subdivision (a)(5) and by adding the following language as new subsections (c) and (d):

(c) The region may require each person actively and regularly engaged in the collection, transportation, and disposal of municipal solid waste, or the recovery or recycling of materials, in the county or counties constituting the region to provide any information

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necessary for the region to comply with the reporting requirements of this section.

(d) The region may bring an action for mandatory injunction in the chancery court against any person failing to properly report in accordance with the provisions of this section in order to compel compliance. The region shall be entitled to recover all costs and attorney's fees from any person failing to comply with the reporting requirements of this section.

AND FURTHER AMEND in Section 49(a) and (b) by deleting the word "county" and by substituting instead the word "region" wherever it appears.

AND FURTHER AMEND in Section 53 by deleting the section in its entirety and by substituting instead the following as a new Section 53:

Section 53. There is hereby established a general fund reserve to be allocated by the general appropriations act which shall be known as the solid waste management fund. Moneys from the fund may be expended to fund activities authorized by this act. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this act and shall not revert to the general fund on any June 30th. Any excess revenues on interest earned by such revenues shall not revert on any June 30th, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30th, but shall remain available for expenditure in subsequent fiscal years.

AND FURTHER AMEND in Section 56(1) by deleting the word "corporation" and by substituting instead the word "instrumentality".

AND FURTHER AMEND in Section 56(7) by deleting the language "from solid waste" and by substituting instead the language "from the solid waste stream".

AND FURTHER AMEND in Section 56(a)(9) by deleting the item and by substituting instead the following:

(9) "Solid waste" means solid waste as defined in Tennessee Code Annotated, Section 68-31-103(7);

AND FURTHER AMEND by deleting Sections 57 and 58 in their entirety and by substituting instead the following as new Sections 57 and 58:

SECTION 57. A county or any of the counties in a municipal solid waste region may create a solid waste authority, by resolution of the respective county governing



bodies; provided, however, opportunity shall be provided for public comment on such resolution. Any municipality, the majority of the territory of which lies within a county that is creating or participating with other counties in creating an authority, may join in creating the authority upon such terms as may be agreed upon and adopted by resolution of the respective county and municipal governing bodies. No authority may be formed unless each county governing body in the region has approved the resolution. If more than one county or municipality participates in creating an authority, an agreement creating the authority shall be approved by the governing body of each county and municipality that is a party to the agreement as part of the resolution creating the authority. The resolutions creating the authority may be amended by the agreement of all of the participating governments to add or subtract participating governments or to dissolve the authority. The creating resolutions shall give the authority a name which shall identify it with the county or region. This name shall be used by the authority unless the name is amended by resolution approved by all participating counties and municipalities. Any resolutions creating, amending, or dissolving an authority shall be certified by the county clerk or municipal clerk or recorder of the counties and municipalities participating in creating the authority and sent to the secretary of state.

SECTION 58.

(a) A resolution creating or amending the resolution creating an authority for a county or approving an agreement to create an authority with other counties or municipalities, shall provide for the establishment of a board of directors to administer the activities of the authority. The authority's board of directors may be the same board as that of the municipal solid waste region or it may be a separate board. If a board separate from that of the region is chosen, the board of directors shall consist of an odd number not less than five (5) nor more than fifteen (15). Each county and municipality that is a member of an authority shall be represented by at least one (1) member on the board. The members of the board shall be elected by the governing bodies of the counties and eligible municipalities within the region. The members of the board shall serve for terms of six (6) years or until their successors are elected and are qualified by taking an oath of office, except that the initial board shall have approximately one-third of the members with terms of two (2) years and approximately one-third of the members with terms of four (4) years, so as to stagger the terms of office.

(b) Members of county and municipal governing

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bodies, county executives, municipal mayors, county and municipal officers and department heads may serve as directors, but the board of directors is not required to include such members.

(c) Directors may receive compensation if provided for by the resolution approved by all of the county and municipal governing bodies participating in the authority. The resolution establishing the compensation may differentiate between municipal and county officials and department heads so as to compensate only those directors who are not an official or employee of a municipal or county government, except for reimbursement for actual expenses.

AND FURTHER AMEND by deleting existing Sections 59, 60, and 61(a) in their entireties and by redesignating existing Section 61(b) and (c) as Section 59(a) and (b) and by redesignating subsequent sections accordingly.

AND FURTHER AMEND existing Section 62 by:

(1) deleting the first sentence of subsection (a) and by substituting instead the following:

Each solid waste authority created pursuant to this part shall be a public instrumentality of the county and municipal government(s) participating in its creation or participating by agreement after its creation.

(2) by deleting item (a)(1) and substituting instead the following:

To have succession by the name given in the resolution(s) creating the authority unless dissolved as provided in this part.

(3) by deleting item (a)(14) and substituting instead the following:

To exercise all powers expressly given in this part and in the creating or amending resolutions and to establish bylaws and make all rules and regulations not inconsistent with the creating and amending resolutions or the provisions of this chapter, deemed expedient for the management of the affairs of the authority.

(4) in item (a)(17) by inserting the language "or municipalities" immediately after the word "counties" wherever it is found.

(5) by adding the following as new subsections (b) and (c):

(b) Except as otherwise provided in this part, an authority, with the concurrence of the county governing body in any county for the territory outside of municipal boundaries, and the governing body of any municipality for the territory of the municipality, may exercise exclusive jurisdiction and exclusive right to control the collection of solid waste within its boundaries and to control the disposition of solid waste collected within its boundaries;

(c) The power granted to an authority by this section shall not prevent a manufacturing firm which holds a permit from the State of Tennessee on the effective date of this act to dispose of or utilize its own solid wastes on the property of the manufacturing firm.

AND FURTHER AMEND in existing Section 64 by deleting the last sentence of the section.

AND FURTHER AMEND in existing Section 65 by inserting the words "or municipality" between the words "county" and "with".

AND FURTHER AMEND in existing Section 67 by deleting subsections (b) and (c) and by substituting instead the following as a new subsection (b):

(b) Any county or municipality that participates in the creation or organization of an authority may guarantee or otherwise secure the payment of bond, note, or similar obligations of the authority by resolution of the county governing body or by municipal ordinance. Any county or municipality seeking to guarantee or secure the payment of a bond obligation of an authority may pledge any discretionary revenues and/or may pledge the full taxing powers of the county or municipality. Prior to any meeting of a county or municipal governing body considering action to guarantee or secure the payment of any bond, note, or similar obligation of an authority, reasonable public notice shall be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability that may be authorized. Any resolution or ordinance of a county or municipality approving of a guarantee or otherwise providing security for the payment of an authority's bonds, notes, or similar obligations shall specify the officer or officers of the county or municipality authorized to execute documents necessary to implement the governing body's action.

AND FURTHER AMEND by deleting existing Sections 68 and 69 and by substituting instead the following:

SECTION 68. No county or municipality shall be liable for the payment of the principal or interest on any bonds,

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notes, or other instruments evidencing indebtedness of the authority except as provided in this part. Neither shall any county or municipality be liable for the performance of any pledge, mortgage, obligation, or agreement of any kind whatsoever which may be undertaken by the authority except as provided in this part.

SECTION 69. No part of the revenues or income of the authority shall inure to the benefit of any director or employee of the authority except as expressly authorized by this part.

AND FURTHER AMEND in existing Section 70(a) by deleting the first sentence of the subsection and by substituting instead the following:

The authority is hereby declared to be performing a public function in behalf of each county or municipality with respect to which it is organized and to be a public instrumentality of such county, counties, municipality or municipalities.

AND FURTHER AMEND in existing Section 74(a) by deleting the word "counties" and by substituting instead the word "municipality."

AND FURTHER AMEND in existing Section 74(b) by deleting the subsection and by substituting instead the following as a new subsection (b):

(b) The governing body of each county or municipality participating in the organization of the authority may appropriate general funds or unappropriated monies from any other fund, to pay expenses of the authority or provide for the operation of any of the projects, facilities, and systems authorized by this act, and each such governing body may levy a tax, in addition to all other taxes, upon all taxable property within the respective county or municipality, sufficient to pay such appropriation to the authority. Any such tax on property shall be collected in the same manner as other property taxes of the county or municipality is collected and similarly, all laws for the enforcement of county and municipal tax liens shall apply.

AND FURTHER AMEND in existing Section 74 by deleting subsections (c), (d), (e) and (f), and by redesignating subsequent subsections accordingly.

AND FURTHER AMEND in existing Section 75 by deleting the word "counties" and by substituting instead the word "municipality".

AND FURTHER AMEND in existing Section 78 by deleting the second and third sentences of the section.

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AND FURTHER AMEND in existing Section 80 by deleting the section in its entirety and by substituting instead the following as a new Section 80:

SECTION 80. Any resolution of dissolution of the authority shall be approved by all county and municipal governing bodies participating in the organization of the authority. A resolution to dissolve the authority shall contain adequate provisions to divide the assets and liabilities of the authority among the participating county and municipal governments in an equitable manner if the authority has assets in excess of liabilities. In the event that the authority has liabilities in excess of assets, the authority may be dissolved only after it has ceased to substantially perform the functions for which it was created due to insolvency. In such cases of insolvency of the authority, the assets of the authority shall be allocated among the creditors of the authority in an equitable manner by agreement of the creditors with the board of directors of the authority, or if such agreement cannot be reached within ninety (90) days of the passage of the resolution to dissolve the authority and approval of such a resolution by all participating county and municipal governing bodies, then the board of directors shall petition the chancery court for an equitable allocation of assets. The chancery court shall hear the cause and shall enter a decree for the allocation of the assets of the authority. After the final disposition of the assets of the authority, the board of directors and the authority shall cease to exist.

AND FURTHER AMEND in Section 86 by deleting the language "commissioner of conservation" and by substituting instead the word "board".

AND FURTHER AMEND by deleting existing Section 87 and by substituting instead the following as a new Section 87:

SECTION 87. Sections 5, 6, 7, 8 and 9 of this act shall take effect on October 1, 1991, and all other provisions of this act shall take effect on July 1, 1991, unless otherwise provided in this act, the public welfare requiring it.

AND FURTHER AMEND by deleting the words "department of conservation" wherever they appear in this act and by substituting instead the words "department of environment and conservation".

On motion, Amendment No. 1 was adopted, with Rep. Windle requesting to be recorded as voting no.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

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Amendment No. 2

AND FURTHER AMEND House Bill No. 1252 by deleting the amendatory subsection (a) in the original Section 6 and by substituting instead the following:

(a) "Baled waste" means all waste that has been mechanically compacted to achieve high density per unit volume and strapped to retain its form as a bale. Not included is compaction which has occurred only in collection vehicles as an incidental part of the wastes collected from individual generators and stationary or self-contained compactors which compact waste but do not produce a strapped bale unit.

AND FURTHER AMEND by adding the following new subdivision at the end of item (10) of the original Section 2:

(E) industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility;

AND FURTHER AMEND by deleting the original Section 4 in its entirety and by substituting the following:

Section 4. Unless specifically otherwise provided, this act shall not apply to hazardous waste, regulated pursuant to Tennessee Code Annotated, Title 68, Chapter 46, except household hazardous waste; to infectious waste; to radioactive waste; or to industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.

AND FURTHER AMEND by deleting the word "act" in subdivision (a)(15) of the original Section 62 and by substituting instead the words "act at reasonable times and with written notice to property owners".

AND FURTHER AMEND by deleting the words "on the effective date of this act" in the amended Section 62 (c).

On motion, Amendment No. 2 was adopted, with Rep. Windle requesting to be recorded as voting no.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1252 by inserting the following language as new sections to be appropriately designated immediately after Section 53 and by redesignating subsequent sections appropriately:

Section \_\_\_\_\_. (a) Effective July 1, 1991, each county, municipality, or solid waste authority which owns a municipal solid waste disposal facility or incinerator may impose a tipping fee upon each ton of municipal solid waste or its volume equivalent received at such solid waste disposal facility or incinerator. Such a tipping fee shall be set by the governing body of the county or municipality, or by the board of directors of the solid waste authority. This tipping fee shall be collected by the operator of the publicly owned municipal solid waste disposal facility or incinerator and remitted to the owner. The fee imposed may be equal to, or a portion of, the estimated cost of providing solid waste management services on a per ton or volume equivalent. By July 1, 1993, such full cost shall be determined pursuant to the uniform solid waste accounting system developed by the comptroller of the treasury.

(b) Revenue from tipping fees at publicly owned solid waste disposal facilities and incinerators received by counties, municipalities, and solid waste authorities shall be expended only for solid waste management purposes.

(c) When a municipal solid waste disposal facility is operated as a joint venture by more than one city or county or combination thereof, or by an authority, the tipping fee authorized under this section shall be imposed by the joint operators or authority and the tipping fee received shall be remitted to the participating local governments or authorities for expenditure for solid waste management purposes only.

(d) In addition to any tipping fee imposed by any local government under this section, there shall also be imposed a surcharge of eighty-five cents (\$.85) per ton on each ton of municipal solid waste received at all solid waste disposal facilities or incinerators. The operator of the municipal solid waste disposal facility or incinerator will collect this surcharge and remit it to the state treasury to be paid into the state solid waste management fund. The surcharge imposed by this subsection shall expire on June 30, 1996.

(e) In order to encourage regional use of solid waste disposal facilities or incinerators, a county

that is host to a solid waste disposal facility or incinerator used by other counties in the same region formed pursuant to this act may impose a surcharge on municipal solid waste received at any such solid waste disposal facility or incinerator by resolution of its county legislative bodies in the region. The surcharge shall be imposed on each ton or volume equivalent of municipal solid waste so received. The revenue received by a county from the surcharge authorized by this subsection shall be expended for solid waste management purposes or for purposes related to offsetting costs incurred and other impacts resulting from the county being host to the solid waste disposal facility or incinerator. If any municipality in the host county incurs costs as a result of such a municipal solid waste facility or incinerator, then the county shall appropriate funds derived from the surcharge revenue to the municipality which shall be used by the municipality to offset such costs.

(f) In addition to any fee authorized by Tennessee Code Annotated, Title 5, and to any tipping fee imposed by any local government under this section, a county, municipality, or solid waste authority is authorized to impose: (1) a surcharge on each ton of municipal solid waste received at a solid waste disposal facility or incinerator for expenditure for solid waste disposal purposes consistent with this act, and/or (2) a solid waste disposal fee authorized by subsection (g) of this section.

(g)(1) In addition to any power authorized by Tennessee Code Annotated, Title 5, a county, municipality, or authority is authorized to impose and collect a solid waste disposal fee. Funds generated from such fees may only be used to establish and maintain solid waste disposal services, including, but not limited to, convenience centers. All residents of the county shall have access to these services. The amount of the fee shall bear a reasonable relationship to the cost of providing the solid waste disposal services. Such fees shall be segregated from the general fund and shall be used only for the purposes for which they were collected.

(2) Subject to any other requirement of law, a county, municipality, or solid waste authority may enter into an agreement with an electric utility to collect the solid waste disposal fee as a part of the utility's billing process. The agreement shall be approved by the governing body of the county or municipality entering into the agreement, or in the case of a solid waste authority, the agreement shall be approved by the



authority's board of directors.

(3) A solid waste disposal fee shall not be imposed on any generator of solid waste when the generator's solid waste is managed in a privately owned solid waste disposal system or resource recovery facility owned by the generator.

Section \_\_\_\_\_. (a) Tennessee Code Annotated, Section 68-31-401(5), is amended by inserting the word and punctuation "landfills," between the words "construction of" and "energy recovery".

(b) Tennessee Code Annotated, Section 68-31-401, is further amended by adding the following as a new item to be appropriately designated:

( ) "Landfill" means landfill as defined by Section 2 of this act;

Section \_\_\_\_\_. Tennessee Code Annotated, Section 68-31-402 (a)(1), is amended in the first sentence of the subdivision by inserting the word and punctuation "landfills or" between the words "construction of" and "energy recovery".

AND FURTHER AMEND by inserting the following language immediately before the effective date section and by redesignating subsequent sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 67, Chapter 4, is amended by adding the following as a new part to be appropriately designated:

Section 67-4-\_\_01. The pre-disposal fee imposed by this part shall be in addition to all privilege taxes elsewhere imposed. The fee imposed by this part shall be administered and collected by the commissioner of revenue.

Section 67-4-\_\_02. As used in this part:

(a) "Commissioner" means the commissioner of revenue;

(b) "Dealer" means every person engaged in the sale of new tires in this state, including persons making sales by mail or common carrier into Tennessee and having constitutional nexus with Tennessee for sales tax purposes;

(c) "Department" means the department of revenue;

(d) "Motor Vehicle" means any vehicle used

in the transportation of persons or property on streets or highways, including automobiles, motorcycles, trucks, trailers, semi-trailers and truck/semi-trailer combinations, and also including farm tractors, trailers and machinery but not including vehicles propelled solely by human muscular power, such as bicycles;

(e) "New Tire" means a tire which has not previously been used in the regular operation of a motor vehicle and does not include a tire which has been recapped or retreaded;

(f) "Retail Sale" means every sale of new tires for any purpose other than resale;

(g) "Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever of new tires, but does not include the sale of new tires as a component part of a new or used motor vehicle;

(h) "Sale for resale" means every sale for purpose of resale and not for use and consumption and which is properly supported by a sales tax resale certificate; and

(i) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

Section 67-4-\_\_03 (a) A pre-disposal fee in the amount of one dollar (\$1.00) per tire is imposed on each person exercising the privilege of making retail sales of new tires in this state.

(b) A person who is subject to and pays this fee is not liable for the fee for tires sold for delivery outside of this state.

Section 67-4-\_\_04. Notwithstanding any provision of Tennessee Code Annotated, Title 5, a county may not impose any special disposal fee or surcharge on tires in addition to the fee imposed by this section. Tires shall be subject to the same tipping fee and other surcharges authorized by this act as are imposed on other wastes.

Section 67-4-\_\_05. Every person desiring to engage in the retail sale of new tires shall register for each place of business with the commissioner of revenue upon forms prescribed and furnished by the commissioner.

Section 67-4-\_\_06.

(a) The fee imposed by this part shall be payable for quarterly periods as follows:

- (1) January 1 through March 31;
- (2) April 1 through June 30;
- (3) July 1 through September 30;
- (4) October 1 through December 31.

(b) It shall be the duty of all dealers on or before the twenty-fifth day of the month immediately following the close of the periods set out above to transmit to the commissioner, upon forms prescribed and furnished by the commissioner, returns showing the gross number of new tires sold at retail during the preceding quarter. A separate return shall be filed for each separate location or place of business.

(c) The return shall be accompanied by payment of all fees due.

(d) Failure to file a return and/or pay the fee due under this part prior to the date provided by this section shall cause the fee to become delinquent and subject to interest and penalty as provided in Title 67, Chapter 1, Part 8.

Section 67-4-\_\_07. Each dealer shall be allowed a credit against the fee for tires which are returned and the purchase price fully refunded, provided that the fee imposed by this part was previously remitted on the sale.

Section 67-4-\_\_08. Any dealer purchasing new tires for resale without the payment of the fee, and subsequently withdrawing the tires from inventory for his own use and consumption, must remit the fee on the tires on his own return.

Section 67-4-\_\_09. A motor vehicle leasing company purchasing for resale in the form of lease new tires or motor vehicles of which new tires are a part, must remit the fee on the tires when the tires or vehicles are first put to use in this state.

Section 67-4-\_\_10. For the purpose of compensating the dealer in accounting for and remitting the fee, a dealer shall be allowed a deduction of the fee due, reported, and paid to the

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department in the amount of ten percent (10%) of the amount due on the report. No deduction from the fee shall be allowed if any such report or payment of the surcharge is delinquent.

Section 67-4-\_\_11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 67-4-\_\_12. The commissioner of revenue is authorized to promulgate rules to administer the fee provided by this part. All such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

Section 67-4-\_\_13. The tire waste disposal fee imposed by this act shall apply to sales of new tires made on or after October 1, 1991.

AND FURTHER AMEND in Section 29 by designating the language of existing Section 29 as subsection (a) and by adding the following as a new subsection (b):

(b) For the eleven (11) counties which generate the greatest amount of solid waste as recorded in the University of Tennessee's solid waste management report of February 1991 to the Tennessee State Planning Office, under a technical assistance contract pursuant to Tennessee Code Annotated, Title 68, Chapter 31, Part 6, or as subsequently modified by data provided by subsequent annual reports required by Section 49 of this act, the state shall grant a rebate against the amount due to the state under the state surcharge on the tipping fee imposed by this act. The state will rebate the amount of a county's credit to the county on an annual basis. The total amount of credits shall not exceed an amount equal to one hundred fifty percent (150%) of the funds allocated for recycling equipment grants. The rebate for any one (1) of the eleven (11) counties shall be determined pursuant to the following formula:

Rebate =

(tons of the county's solid waste)

(total tons of solid waste collected from all eleven (11) counties)

multiplied by

150% of state funds allocated for recycling grants

Such rebate shall be in lieu of recycling equipment grants for these eleven (11) counties. Within a county the rebate shall be allocated proportionately by population among the municipalities in the county which provide collection or disposal services and the county for the remaining population of the county. A county or municipality may only expend such rebate for recycling purposes.

AND FURTHER AMEND in Section 34 by deleting the section in its entirety and by substituting instead the following as a new Section 34:

Section 34. From funds available from the solid waste management fund, the state planning office shall award competitive grants for collection of household hazardous waste at a permanent site to municipalities with a population of one hundred thousand (100,000) or more in counties with a population of two hundred eighty seven thousand seven hundred (287,700) or more, according to the 1980 federal census, or any subsequent federal census. One such grant shall be awarded competitively during fiscal year 1992-1993, and each of the next three successive fiscal years. An eligible municipality may only receive one grant.

AND FURTHER AMEND in Section 36(c) by adding the following language at the end of the subsection:

The department is authorized to contract for the services of a shredder in lieu of purchasing a shredder. If the department contracts for the services of a shredder with a county or municipality that local government may receive a rebate on the state surcharge paid in its locality on the tipping fee authorized by this act for the budget allocation for a shredder.

AND FURTHER AMEND by inserting the following as a new section before the effective date section and by redesignating subsequent sections accordingly:

Section \_\_\_\_\_. It is the legislative intent that all appropriations which are required for the implementation of this act and which are in addition to the funds available from the solid waste management fund established by this act shall be funded from appropriations which are otherwise available for solid waste management and related activities as appropriated in the general appropriations act. In order to ensure the availability of such funds the following functions are transferred to the department of environment and conservation effective July 1, 1991:

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(1) duties assigned to the department of economic and community development, pursuant to Sections 30 and 31; and

(2) duties assigned to the department of general services, pursuant to Section 32(1), (2), (3), and (4). The commissioner of the department of finance and administration is directed to transfer all appropriations, personnel, equipment and other sources allocated to these programs to the department of environment and conservation for the fiscal year 1991-92.

AND FURTHER AMEND by deleting the words "commissioner of conservation" wherever they appear in this act and by substituting instead the words "commissioner of environment and conservation".

AND FURTHER AMEND in Section 13(b)(1)(B) by deleting the following language:

A region may not exclude waste originating outside of the region in order to preserve disposal capacity in excess of that required by the region's ten (10) year plan.  
and by substituting instead:

If a facility within a region has accepted waste from a specific source outside the region prior to July 1, 1991, the region may not prohibit that facility from continuing to accept waste from that source, unless the facility's acceptance of that waste significantly impairs the region's ability to effectuate its plan.

On motion, Amendment No. 3 was adopted, with Rep. Windle requesting to be recorded as voting no.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 4 as follows:

**Amendment No. 4**

Amend House Bill No. 1252 by adding the following language as a new subsection in Section 12:

( ) Any municipality with a population of five hundred thousand (500,000) or more according to the 1980 federal census, or any subsequent federal census, may elect by ordinance to form a solid waste management region. As a region such municipality shall exercise sole responsibility for developing and preparing the plan required by this act applicable to the jurisdiction of the municipality. The plan developed by the municipality, to the extent practicable, shall be reasonably consistent with the plan developed by the region for the county in which it lies.

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The state planning office, as a part of the plan approval process, shall determine whether the municipality's plan is reasonably consistent with the plan for the region for the county in which the municipality lies so as to effectuate the purposes of this act.

On motion, Amendment No. 4 was adopted, with Rep. Windle requesting to be recorded as voting no.

Rep. Knight moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Knight moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Knight moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Phillips moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	84
Noes. . . . .	11
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Armstrong, Gunnels, Hill, Jones R (Shelby), Jones U (Shelby), Joyce, King, Severance, Shirley, Stamps, Turner (Shelby) -- 11.

Representatives present and not voting were: Kernell -- 1.

Thereupon, Rep. Purcell moved that House Bill No. 1252, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	3

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Hill, Jones R (Shelby), Severance -- 3.

A motion to reconsider was tabled.

**REMARKS  
by Rep. Callicott**

Let the Journal show that I was called out for an emergency. Due to my son Claude being in a accident. If I was present I would have voted:

House Bill No. 1252 -- AYE

House Bill No. 1203 [Senate Bill No. 1456] -- NO

Clint Callicott

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1036** -- Hospitals and Health Care Facilities -- Revises law concerning health care. Amends TCA, Title 33, Ch. 2; Title 68, Ch. 11; Title 71, Ch. 5.

Rep. Bragg moved that House Bill No. 1036 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:



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Amendment No. 1

Amend House Bill No. 1036 by deleting all language after the enacting clause and substituting therefore:

SECTION 1: Tennessee Code Annotated Section 68-11-216(d)(1) is amended by deleting the existing language and substituting therefore:

"Effective July 1, 1991, in addition to the fees set forth in subsection (a), there is levied a hospital services license fee set forth in this subsection."

SECTION 2: Tennessee Code Annotated, Section 68-11-216(d) is amended by deleting subparagraph (2) in its entirety and substituting therefore:

(A) The amount of each hospital's annual hospital services license fee shall be an amount directly proportional to the hospital's

(i) Medicaid utilization rate.

(ii) low income utilization rate, or

(iii) large volume of Medicaid days per year.

(B) The fee shall be in an amount not to exceed the hospital's bad debt, charity care, and Medicare/Medicaid contractual adjustments adjusted to expense.

(C) The commissioner of health is authorized and shall promulgate annually a schedule reflecting the amount of fees to be assessed for each hospital and the methodology used to calculate the fee.

SECTION 3: Tennessee Code Annotated Section 68-11-216(d) is amended by deleting subparagraph (5) in its entirety and substituting therefore:

If any part of any fee imposed under this subsection is not paid on or before the due date, a penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. In addition, license fees not paid on the due date shall accrue interest at the maximum lawful rate for the entire month in which any delinquent payment, penalty or interest is still due or not paid. Any penalty or interest that accrues pursuant to this subdivision shall be credited to the indigent health care risk fund.

SECTION 4: Tennessee Code Annotated, Section 68-11-216(d)(8) is amended by changing the date June 30, 1991 to June 30, 1992.

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**SECTION 5:** Tennessee Code Annotated Section 68-11-216(d)(9) is amended by deleting this subdivision in its entirety.

**SECTION 6:** Tennessee Code Annotated Section 68-11-1101 is amended by deleting the citation "Acts 1989, Ch. 434" and substituting therefore "this Part."

**SECTION 7:** Tennessee Code Annotated Section 68-11-1103 is amended by deleting the citation "Acts 1989, Ch. 434" in subsection (a) and substituting therefore the citation "Section 68-11-216(d)."

**SECTION 8:** Tennessee Code Annotated Section 68-11-1103 is amended by deleting the citation "Acts 1989, Ch. 434" in subsections (c) and (d) and substituting therefore "this Part."

**SECTION 9:** Tennessee Code Annotated Section 33-2-506(b) is amended by changing the date July 1, 1989 to July 1, 1991.

**SECTION 10:** Tennessee Code Annotated Section 33-2-506(b)(3) is amended by changing the date June 30, 1989 to June 30, 1992.

**SECTION 11:** It is the intent of the general assembly that any rules and regulations authorized under this Act be effective by July 1, 1991.

**SECTION 12:** For purposes of promulgation of rules, this Act shall take effect immediately upon becoming law, the public welfare requiring it. This Act shall be effective July 1, 1991 for all other purposes, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bragg moved that **House Bill No. 1036**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson

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(Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Stamps, Windle -- 2.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to no on House Bill No. 1036 and have this statement entered in the Journal.

Rep. Randy Stamps

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1203** -- Deeds -- Requires additional information on legal description of certain deeds of conveyance of real property. Amends TCA 66-24-121.

Further consideration of House Bill No. 1203, previously considered on May 9, 1991, at which time it was reset to the Calendar for May 16, 1991.

On motion, House Bill No. 1203 was made to conform with Senate Bill No. 1456.

On motion, **Senate Bill No. 1456**, on same subject, was substituted for House Bill No. 1203.

Rep. Holt moved that **Senate Bill No. 1456** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill 1456 by adding the following new section preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 66-24-121, is amended by adding the following new subsection:

(b) A failure to comply with the requirements of

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this section shall not affect the validity of the registration of any registered instrument.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Holt moved that **Senate Bill No. 1456**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to no on **Senate Bill No. 1456** and have this statement entered in the Journal.

Rep. Clint Callicott

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1120** -- Judicial Officers -- Increases fees for certain services. Amends TCA 8-21-401, 30-2-306, 314, 55-8-132, 67-8-406.

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Further consideration of House Bill No. 1120, previously considered on May 9, 1991, at which time it was reset to the Calendar for May 13, 1991.

On motion, House Bill No. 1120 was made to conform with Senate Bill No. 582.

On motion, **Senate Bill No. 582**, on same subject, was substituted for House Bill No. 1120.

Rep. Turner (Hamilton) moved that **Senate Bill No. 582** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	59
Noes. . . . .	33
Present and not voting. . . . .	5

Representatives voting aye were: Allen, Anderson, Armstrong, Bittle, Bragg, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Fowlkes, Garrett, Givens, Haley, Hargrove, Hassell, Hill, Holcomb, Holt, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McKee, Meyer, Napier, Niceley, Peroulas Draper, Phillips, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Williams (Shelby), Williams (Union), Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Arriola, Bell, Bivens, Byrd, Chiles, Copeland, Curlee, Davidson, Duer, Ferguson, Gunnels, Halteman, Harrill, Haun, Hillis, Joyce, McAfee, McDaniel, Moore, Nuber, Odom, Pinion, Rhinehart, Shirley, Sipes, Stamps, Tullos, Walley, West, Whitson, Windle, Winningham, Wood -- 33.

Representatives present and not voting were: Buck, Head, Herron, Hubbard, Johnson -- 5.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 582 and have this statement entered in the Journal.

Rep. John Bragg

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 582 and have this statement entered in the Journal.

Rep. Ralph Cole

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REGULAR CALENDAR, CONTINUED

**House Bill No. 0401** -- Codes -- Requires certain municipal and county fire prevention and building officials to be certified by state fire marshal. Amends TCA, Title 68, Ch. 18.

On motion, House Bill No. 401 was made to conform with Senate Bill No. 221.

On motion, **Senate Bill No. 221**, on same subject, was substituted for House Bill No. 401.

Rep. Niceley moved that **Senate Bill No. 221** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 3.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 4 as follows:

**Amendment No. 4**

Amend Senate Bill No. 221 by adding the following language in subsection (a) of the amendatory language of Section 1 between the second and third sentences:

A fire safety or building inspector employed on the effective date of this act shall have up to twelve (12) months to receive certification following the date this act becomes a law, and any fire safety or building inspector hired after the effective date of this act shall have up to twelve (12) months from the date of employment to receive certification.

On motion, Amendment No. 4 was adopted.

Rep. Copeland moved that Amendment No. 5 be withdrawn, which motion prevailed.

Thereupon, Rep. Niceley moved that **Senate Bill No. 221**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson,

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Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*Senate Bill No. 1063 -- Firefighters --** Creates presumption for certain full time firefighters that condition of cancer arose from course of employment. Amends TCA, Title 7, Ch. 51, Pt. 2.

Further consideration of Senate Bill No. 1063, previously considered on May 9, 1991, at which time it was substituted for House Bill No. 1457, Amendment No. 1 was withdrawn, Amendment No. 2 was adopted and the bill was reset to the Calendar for May 13, 1991.

Rep. West moved that **Senate Bill No. 1063** be passed on third and final consideration.

Rep. Holcomb moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. West moved passage of **Senate Bill No. 1063** on third and final consideration, which motion failed by the following vote:

Ayes. . . . .	42
Noes. . . . .	40
Present and not voting. . . . .	9

Representatives voting aye were: Armstrong, Bragg, Clark, Collier, Cross, Davidson, Davis (Cocke), Dixon, Ferguson, Halteman, Hargrove, Hassell, Head, Herron, Hillis, Holt, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, Moore, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stamps, Turner (Hamilton), Turner (Shelby), West, Mr. Speaker Naifeh -- 42.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Bivens, Buck, Byrd, Coffey, Cole, Copeland, Crain, Curlee, Davis (Gibson), Davis (Knox), Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Harrill, Hill, Hubbard, Jackson, Joyce, Liles, McDaniel, McKee, Meyer, Nuber, Peroulas Draper, Sipes, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Winningham, Wood -- 40.

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Representatives present and not voting were: Arriola, Chumney, Haun, Holcomb, Johnson, Rigsby, Rinks, Tindell, Windle -- 9.

Pursuant to **Rule No. 39**, Senate Bill No. 1063, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

#### **REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 1063 and have this statement entered in the Journal.

Rep. Joe Bell

#### **REGULAR CALENDAR, CONTINUED**

**\*Senate Bill No. 0454 -- Election Laws -- Enacts "Anti-Skulduggery Act of 1991". Amends TCA 2-5-101.**

Further consideration of Senate Bill No. 454, previously considered on April 25 and 29 and May 1, 6 and 9, 1991, at which time it was substituted for House Bill No. 1359, Amendments Nos. 1 and 2 were adopted, then it was reset to the Calendar for May 13, 1991.

Rep. Knight moved that **Senate Bill No. 454** be passed on third and final consideration.

Rep. Ridgeway moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Ridgeway moved to amend as follows:

#### **Amendment No. 4**

Amend Senate Bill No. 454 by deleting from the amendatory language of Section 2( )(1) the words and punctuation "or is nominated by a political party by a means other than primary election for such office,".

On motion, Amendment No. 4 was adopted.

Rep. Knight moved that **Senate Bill No. 454** be passed on third and final consideration.

Rep. Herron moved the previous question, which motion prevailed.

Thereupon, Rep. Knight moved that **Senate Bill No. 454**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes. . . . .	56
Noes. . . . .	32
Present and not voting. . . . .	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Gunnels, Halteman, Herron, Hillis, Holt, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McDaniel, McKee, Moore, Napier, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Windle, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Allen, Anderson, Callicott, Chiles, Cole, Copeland, Davis (Cocke), Duer, Givens, Hassell, Haun, Head, Hill, Holcomb, Hubbard, Huskey, Jones R (Shelby), Joyce, Liles, McAfee, Meyer, Niceley, Nuber, Robinson (Washington), Stamps, Tullos, Venable, Walley, Whitson, Winningham, Wix, Wood -- 32.

Representatives present and not voting were: Haley, Severance, Tindell -- 3.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 454 and have this statement entered in the Journal.

Rep. Jere Hargrove

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 0819** -- Home Improvement Contractors -- Expands application of Home Improvement Law. Amends TCA, Title 62, Ch. 37.

Further consideration of House Bill No. 819, previously considered on May 9, 1991, at which time it was reset to the Calendar for May 13, 1991.

Rep. Byrd moved that House Bill No. 819 be reset to the first available space to the Calendar for February 1992, which motion prevailed.

**\*Senate Bill No. 0644** -- General Assembly -- Prohibits members from being lobbyists. Amends TCA, Title 3.

Further consideration of Senate Bill No. 644, previously considered on May 6, 1992, at which time it was substituted for

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House Bill No. 385, the motion was made to adopt Amendment No. 1 and the bill was reset to the Calendar for May 13, 1991.

Rep. Chumney renewed the motion to adopt Amendment No. 1, previously filed.

Rep. U. Jones moved that Senate Bill No. 644 be placed at the heel of today's Calendar, which motion prevailed by the following vote:

Ayes. . . . .	67
Noes. . . . .	18
Present and not voting. . . . .	9

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Callicott, Chiles, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Peroulas Draper, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tullos, Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood -- 67.

Representatives voting no were: Byrd, Chumney, Clark, Coffey, Garrett, Gunnels, Herron, Jackson, Kernell, Moore, Odom, Phillips, Pinion, Purcell, Stamps, Turner (Hamilton), West, Windle -- 18.

Representatives present and not voting were: Bragg, Crain, Givens, Kisber, Knight, Rigsby, Rinks, Tindell, Mr. Speaker Naifeh -- 9.

Rep. Chumney moved that Senate Bill No. 644 be reset one week to the Calendar for Monday, May 20, 1991, which motion prevailed.

**House Bill No. 1089 -- Water Pollution --** Authorizes water quality control board to assess permit fees to fund environmental programs. Amends TCA, Titles 68, 69.

On motion, House Bill No. 1089 was made to conform with Senate Bill No. 631.

On motion, **Senate Bill No. 631**, on same subject, was substituted for House Bill No. 1089.

Rep. Purcell moved that **Senate Bill No. 631** be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Davis (Knox) moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 631 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 68, Chapter 46, Part 2, is amended by adding Sections 2 and 3 of this act as new, appropriately designated sections.

Section \_\_\_\_.

(a) Each permit issued by the department for a commercial facility for the storage, treatment or disposal of hazardous waste shall be contingent on the commercial facility complying with the criteria established in section (b) of this section.

(b)

(1) The county legislative body in which the proposed commercial facility for the storage, treatment or disposal of hazardous waste is located, if the facility is located in an unincorporated area; or

(2) The governing body of the municipality in which the proposed facility is located, if the facility is located in an incorporated area; shall review the application of the commercial facility and determine whether proper documentation has been submitted by the facility to respond to the items included in the following criteria and shall determine whether the facility complies with the following criteria. These conditions or criteria shall be applied in such a manner to consider the difference between storage, treatment and disposal facilities, and shall address, but not be limited to, the following:

(1) The facility is necessary to accommodate the waste needs of the area it is intended to serve consistent with any Tennessee capacity assurance plan approved by the environmental protection agency;

(2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(3) The facility is located so as to minimize incompatibility with the character

of the surrounding area and to minimize the effect on the value of the surrounding area;

(4) The facility is located outside the boundary of the 100 year flood plain;

(5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;

(6) The traffic patterns and capacity of roads and bridges to and from the facility are so designed as to minimize the impact on existing traffic flow patterns;

(7) An emergency response plan for the facility has been prepared which includes notification, containment and evacuation procedures to be used in the event of an accidental release;

(8) If the facility will be located within a regulated recharge area, any applicable statutes and regulations for such areas have been met;

(9) If the facility is to be located in a county where the county or municipality has adopted a hazardous or solid waste disposal plan, the facility is consistent with the plan;

(10) Location of wetlands, seismic risk zones, and areas underlain by mature karst formations;

(11) Depth to ground water and seasonal high water tables;

(12) Distances from occupied dwellings including but not limited to, private residences, public schools, and other buildings, and commercial buildings not associated with the facility;

(13) Distance from scenic, cultural and recreational areas;

(14) The economic impacts on the local community and the surrounding communities;

(15) The previous operating experience and past record of convictions or admissions of violations of the applicant and any

subsidiary or parent corporation in the field of solid or hazardous waste storage, treatment or disposal.

An ordinance or resolution shall be passed by the local legislative body authorizing the facility to begin operation following a determination that the facility complies with such criteria.

(c) Notwithstanding the provisions of Tennessee Code Annotated, Section 68-46-214, or any other statute, jurisdiction of any appeal of the decision of the county or municipality under this section shall lie in the chancery court of the county in which the commercial facility for the storage, treatment or disposal of hazardous waste is to be located.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 68-46-108, is amended by adding the following language as a new, appropriately designated subsection:

( ) Following the effective date of this act, the commissioner shall review each hazardous waste treatment, storage, or disposal facility which has been issued a permit by the department to determine whether the facility complies with the criteria established in Section 2 of this act. The reviews shall be conducted and completed within one (1) year following the effective date of this act.

If the commissioner determines that a facility is not in compliance with the criteria, such facility shall be given not more than two (2) years to comply. If at the end of such period, the facility is not in compliance, the permit to operate such facility shall be suspended until the facility does comply with all such criteria.

Section \_\_\_\_\_. Tennessee Code Annotated, Sections 68-46-217 and 68-46-218, are amended by deleting from each section the words "commercial landfill facility for the disposal of hazardous wastes" and substituting instead the words "commercial facility for the storage, treatment or disposal of hazardous waste".

Section \_\_\_\_\_. Tennessee Code Annotated, Title 68, Chapter 46, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_.

(a)

(1) In addition to all other fees levied on the generation and management of hazardous

waste, there is levied a tax of five dollars \$5.00 per ton of hazardous waste burned in the state to be used for clean up of the environment resulting from improper burning of hazardous waste. The payment of this tax shall be made to the department of health and environment, notwithstanding the fact that this is a tax, to be deposited to the credit of the special fund created pursuant to subsection (b) of this section.

(2) The board shall adopt rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, governing the collection and application of such tax for the purposes provided in subdivision (1) of this subsection.

(b)

(1) There is established within the general fund a special agency account to be known as the "burning of hazardous waste clean-up fund," hereinafter referred to as the "fund".

(2) Any unencumbered funds and any unexpended balance of this fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions of this part.

(3) Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 68-46-108(n), is amended by adding the following language at the end of the subsection:

The provisions of this section shall apply to any commercial hazardous waste permit application if the final permit has not been issued by the department on or before the effective date of this amendment.

Rep. Purcell moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	53
Noes. . . . .	42
Present and not voting. . . . .	2

Representatives voting aye were: Arriola, Bell, Bittle, Bivens,

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Bragg, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davis (Gibson), DeBerry, Dixon, Garrett, Givens, Hargrove, Haun, Head, Herron, Hillis, Holt, Hubbard, Johnson, Jones U (Shelby), Kernell, King, Kisber, Knight, Love, McAfee, Moore, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Shirley (Shelby), Venable, West, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Allen, Anderson, Armstrong, Buck, Byrd, Cross, Davidson, Davis (Cocke), Davis (Knox), Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hassell, Hill, Holcomb, Huskey, Jones R (Shelby), Joyce, Kent, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Phillips, Robinson (Washington), Shirley, Sipes, Stamps, Tullis, Walley, Whitson, Williams (Union), Windle, Winningham, Wood -- 42.

Representatives present and not voting were: Jackson, Severance -- 2.

Rep. Purcell moved that Senate Bill No. 631 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Purcell moved that Senate Bill No. 631 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	79
Noes. . . . .	18

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Wix, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Buck, Callicott, Crain, Duer, Ferguson, Gunnels, Harrill, Joyce, Liles, McDaniel, Niceley, Rigsby, Shirley, Sipes, Walley, Williams (Union), Windle, Winningham -- 18.

A motion to reconsider was tabled.

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MESSAGE FROM SENATE

May 13, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1046, as requested.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MOTION TO RECONSIDER

Rep. Kent moved to lift from the table the motion to reconsider Senate Bill No. 1046, which motion prevailed.

Rep. Kent moved to reconsider our action in passing Senate Bill 1046, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Kent moved that **Senate Bill No. 1046** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 0039** -- Sunset Laws -- Extends termination date of air pollution control board. Amends TCA, Title 4, Ch. 29; Title 44, Ch. 18; Title 68, Ch. 25.



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Senate Amendment No. 1

Amend House Bill No. 39 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

( ) Air pollution control board, created by § 68-25-104;

Rep. King moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 39, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Bragg -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0071 -- Utilities, Utility Districts --** Establishes procedures for removal of certain utility board members in certain counties. Amends TCA, Title 7, Ch. 1, Pt. 1.

Senate Amendment No. 1

Amend House Bill No. 71 amend Section 1 line six (6) by striking the word majority and inserting the words and numbers three-fourths (3/4).

Rep. Odom moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 71, which motion prevailed by the following vote:

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Ayes. . . . .	89
Noes. . . . .	3
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tuflos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Callicott, Chiles, McDaniel -- 3.

Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0217 -- Health -- Enacts "Poison Control Act of 1991". Amends TCA, Title 68, Ch. 43.**

**Senate Amendment No. 2**

AMEND House Bill No. 217 by deleting from Section 4(b) the language "may prohibit" and by substituting instead the language "prohibits".

AND FURTHER AMEND by deleting the word "shall" wherever it appears in Section 5 and by substituting instead the word "may".

AND FURTHER AMEND by deleting the word "may" from the second sentence of Section 6 and by substituting instead the word "shall".

AND FURTHER AMEND by deleting the word "shall" from the first sentence of Section 7 and by substituting instead the word "may".

AND FURTHER AMEND by deleting the word "shall" from Section 9 and by substituting instead the word "may".

AND FURTHER AMEND by deleting the word "may" from Section 10 and by substituting instead the word "shall".

Rep. Odom moved that the House concur in Senate Amendment(s)

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No(s). 2 to **House Bill No. 217**, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on on motion to concur in Senate Amendment No. 2 to House Bill No. 217 and have this statement entered in the Journal.

Rep. Brenda Turner

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 0237** -- Sunset Laws -- Extends termination date of board of medical examiners. Amends TCA, Title 4, Ch. 29; Title 56, Ch. 3; Title 63, Chs. 6, 8, 19, 24; Title 68, Ch. 11.

**Senate Amendment No. 2**

Amend House Bill No. 237 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

( ) Board of medical examiners, created by § 63-6-101;

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Rep. King moved to concur in Senate Amendment No. 2 to House Bill No. 237; after which he moved that the House Bill No. 237 be reset to the Message Calendar for Thursday, May 16, 1991, which motion prevailed.

**\*House Bill No. 0325 -- Taxes -- Enacts "Soldier's Tax Relief Act of 1991". Amends TCA, Title 67.**

**Senate Amendment No. 2**

Amend House Bill No. 325 by deleting the following sentence of the amendatory language of Section 3:

A person claiming this delay shall present proof, satisfactory to the commissioner, of his or her deployment and stationing outside the United States during a period of hostilities.

and by substituting instead the following:

A person claiming this delay shall apply to the commissioner of revenue on or before the day the tax becomes delinquent, and present copies of official orders or other satisfactory proof of his or her deployment and stationing outside the United States during a period of hostilities. The commissioner shall give notice of approved applications to city and county collecting officials and to the chancery clerk and master. For tax year 1990, persons claiming the benefits of this act may apply up to sixty (60) days after the effective date of this act.

Rep. Allen moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 325, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniell, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle,

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Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 0457** -- Auctions and Auctioneers -- Establishes guidelines for firm auctioneers. Amends TCA, Title 62, Ch. 19.

**Senate Amendment No. 4**

Amend House Bill No. 457 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 62-19-103, is amended by adding the following appropriately numbered new subdivision:

( ) Any livestock auction sale regulated by the United States Department of Agriculture Packers and Stockyards Administration, if the sale uses:

(1) The shippers proceeds account required by federal regulations; and

(2) A Tennessee licensed auctioneer.

Rep. Collier moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 457**, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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**Senate Amendment No. 5**

Amend House Bill No. 457 by deleting from item (2) of Section 2 the language "an additional fee not to exceed twenty-five dollars (\$25.00)" and by substituting instead the language "an additional reasonable fee to be set by the commission".

Rep. Collier moved that the House nonconcur in Senate Amendment(s) No(s). 5 to **House Bill No. 457**, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 0633** -- Garnishments and Executions -- Codifies form for garnishment calculation. Amends TCA, Title 26, Ch. 2.

Rep. Herron moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to Senate Bill No. 633, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 0861** -- Animals -- Revises classifications and regulations for exotic animals. Amends TCA, Title 70, Ch. 4, Pt. 4.

**Senate Amendment No. 5**

AMEND House Bill No. 861 by deleting in its entirety Section 70-4-402(3) of the amendatory language of Section 1 so that as amended it shall read:

(3) Commercial propagator means any person or entity which may sell, barter, trade, propagate, or transfer Class I wildlife (excluding transfers to other commercial propagators located within the boundaries of Tennessee), and which meets all other applicable license, permit, zoning, and other requirements necessary to conduct business in the city, county, and state where located.

AND FURTHER AMEND by deleting in its entirety subsection (b) of Section 70-4-403 of Section 1 and by substituting instead the following:

(b) Class II -- This class shall include native species except for those listed in other classes.

AND FURTHER AMEND by deleting in its entirety subsection (c) of Section 70-4-403 of Section 1 and by substituting instead the following:

(c) Class III -- This class shall require no permits except those required by the department of agriculture and

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shall include all species not listed in other Classes and shall include, but is not limited to, those listed in (c) (1) through (c) (17). The commission in conjunction with the commissioner of agriculture may add or delete species from the list of Class III wildlife by promulgating rules and regulations.

(1) Non-poisonous reptiles and amphibians except caimans and gavials.

(2) Rodents - Gerbils, hamsters, guinea pigs, rats, mice, squirrels, chipmunks.

(3) Rabbits, hares, moles, shrews.

(4) Ferrets and chinchillas.

(5) Llamas, alpacas, guanacos, vicunas, camels, giraffes, and bison.

(6) Avian species not otherwise listed, excluding North American game birds, ostriches, and cassowary.

(7) Semi-domestic hogs, sheep and goats.

(8) All fish held in aquaria.

(9) Bovidae not otherwise listed.

(10) Marsupials

(11) Common domestic farm animals.

(12) Equidae

(13) Primates not otherwise listed.

(14) Bobcat/domestic cat hybrids

(15) Hybrids resulting from a cross between a Class II species and a domestic animal or Class III species.

(16) Cervidae except white-tailed deer.

(17) Furbearing mammals, including those native to Tennessee, raised solely for the sale of fur.

AND FURTHER AMEND by adding the following language and punctuation to the end of the amendatory language of Section 70-4-404(b)(2):

The director may exempt specific events from the caging and handling requirements established for Class I

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wildlife. Approval of an exemption will be based on a written request that outlines safety precautions that must be implemented during the specified activity.

AND FURTHER AMEND by adding a new subdivision to (c)(2) of Section 70-4-404, as follows:

(2) Persons legally possessing Class I wildlife prior to the effective date of this act shall obtain annually a personal possession permit to keep such Class I wildlife. To obtain a personal possession permit, such persons shall comply with all of the provisions of this part. After the effective date of this act no new animals shall be brought into possession under authority of a personal possession permit. Provided, however, the progeny of such wildlife may be legally possessed by the holder of the personal possession permit for a period of time not to exceed six (6) months after the birth of such progeny if:

(A) Such wildlife was pregnant with such progeny prior to the effective date of this act; or

(B) Such wildlife was impregnated on or after the effective date of this act by other wildlife legally held in the possession of the permit holder. After such six month period, such progeny shall be disposed of out-of-state or otherwise permitted pursuant to the provisions of this part.

AND FURTHER AMEND by deleting in Section 70-4-404(d)(1) the language:

PERSONAL POSSESSION -- Class I -- \$150/facility

and by substituting instead the language:

PERSONAL POSSESSION -- Class I -- \$150/animal or \$1000/facility

Rep. Robinson (Davidson) moved that the House nonconcur in Senate Amendment(s) No(s). 5 to **House Bill No. 861**, which motion prevailed.

**House Bill No. 1351 -- Alcoholic Beverages --** Allows complimentary liquor to be given away at airports in certain counties provided taxes are paid. Amends TCA 57-4-203.

#### **Senate Amendment No. 2**

Amend House Bill No. 1351 by adding the following new section before the effective date section.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 57-4-203(m), is further amended by adding the following



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between the first and second sections.

Such commercial airline travel club must have a separate area, other than the gate and ticket areas, designated as a club area for use by its members.

Rep. Bittle moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 1351, which motion prevailed by the following vote:

Ayes. . . . .	62
Noes. . . . .	28
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Givens, Halteman, Hassell, Head, Hill, Hillis, Hubbard, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, Meyer, Napier, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 62.

Representatives voting no were: Anderson, Byrd, Callicott, Crain, Cross, Curlee, Ferguson, Fowlkes, Gunnels, Harrill, Herron, Holcomb, Holt, Huskey, Johnson, Joyce, Liles, McAfee, McDaniel, Moore, Niceley, Phillips, Shirley, Sipes, Walley, Williams (Union), Windle, Wood -- 28.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to concur in Senate Amendment No. 2 to House Bill No. 1351 and have this statement entered in the Journal.

Rep. John Bragg

#### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE MESSAGE

\*Senate Bill No. 0128 -- Telecommunications -- Prohibits recorded message calls relative to collection of debts absent compliance with Consumer Telemarketing Protection Act of 1990. Amends TCA, Title 47, Ch. 18, Pt. 15.

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**CONFERENCE COMMITTEE APPOINTED  
ON SENATE BILL NO. 128**

Pursuant to **Rule No. 73**, Representative Purcell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 128, which motion prevailed.

The Speaker appointed Representatives Purcell, Bivens and Hubbard as the House members of the Conference Committee.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Purcell moved to suspend **Rule No. 59** further, so that all messages coming over from the Senate on Monday and Wednesday this week, would be placed on the Message Calendar for Thursday, May 16, 1991, which motion prevailed.

**MESSAGE FROM THE SENATE  
May 13, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 265; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**RULES SUSPENDED**

Rep. Hill moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 265 out of order, which motion prevailed.

**Senate Joint Resolution No. 0265 -- Memorials, Heroism -- Lance Corporal Mark Schrader.** by \*Atchley.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hill, the resolution was concurred in.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 146:** Rep(s). Knight as prime sponsor(s).

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**House Bill No. 205:** Rep(s). Dixon as prime sponsor(s).

**House Bill No. 996:** Rep(s). McDaniel as prime sponsor(s).

**House Bill No. 1036:** Rep(s). Dixon as prime sponsor(s).

**House Bill No. 1089:** Rep(s). Davidson, Hillis, Herron and Kernell as prime sponsor(s).

**House Bill No. 1252:** Rep(s). Davis (Knox), Halteman, Herron and Stamps as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep. Herron was removed as sponsor of **House Bill No. 686.**

**REQUESTS TO BE ADDED AS SPONSORS**

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

**House Bill No. 51:** Rep(s). Knight.

**House Bill No. 1457:** Rep(s). Stamps.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Joint Resolution No. 0343** -- Memorials, Personal Achievement -- Dixie Liner, Tennessee Mother of the Year. by \*McKee.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0344** -- Memorials, Professional and Business Achievement -- Donna R. Davis, President, Tennessee Trial Lawyers Association. by \*Davis J K, \*Peroulas Draper, \*Buck, \*DeBerry, \*Chumney, \*Williams K, \*Turner B.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0345** -- Memorials, Personal Achievement -- Marie Williams, "Mother of Year". by \*Turner L, \*Jones R, \*DeBerry, \*Dixon, \*King.

Referred by the Speaker to the Calendar and Rules Committee.

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**House Joint Resolution No. 0346** -- Memorials, Public Service -- Willie W. Herenton, Memphis City School System. by \*Turner L, \*Jones R, \*DeBerry, \*King.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0347** -- Memorials, Congratulations -- Angela Gunter. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0348** -- Memorials, Congratulations -- Wilma Darlene Knox. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0349** -- Memorials, Congratulations -- James Ward. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0350** -- Memorials, Congratulations -- Dossy Hamby. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0351** -- Memorials, Congratulations -- David Hamby. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0352** -- Memorials, Congratulations -- Lester Fountain. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0353** -- Memorials, Congratulations -- Angela Rich. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0354** -- Memorials, Congratulations -- Russell Wood. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1614** -- District Attorneys -- Clarifies funding for additional positions in office of district attorney for 6th judicial district. Amends Chapter 27, Public Acts of 1991. by

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**\*Armstrong, \*Bittle, \*Severance, \*Davis J K, \*Tindell, \*Hill, \*Peroulas Draper.**

Passed first consideration.

**House Bill No. 1615 -- Tullahoma -- Increases to \$750,000 amount board of mayor and aldermen can borrow. Amends Chapter 553, Acts of 1903, as amended. by \*Curlee.**

Passed first consideration.

**House Bill No. 1616 -- Humboldt -- Increases terms of mayor and aldermen. Amends Chapter 77, Private Acts of 1913, as amended. by \*Crain.**

Passed first consideration.

**House Bill No. 1617 -- Humboldt -- Revises salary of mayor and aldermen. Amends Chapter 77, Private Acts of 1913, as amended. by \*Crain.**

Passed first consideration.

**House Bill No. 1618 -- Bradford -- Levies severance tax in Bradford Special School District. by \*Davis Ray.**

Passed first consideration.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 0233 -- Audiologists and Speech Pathologists -- Defines "practice of audiology"; authorizes continuing education and fee. Amends TCA, Title 63, Ch. 17. (HB 0552).**

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0415 -- District Attorneys -- Authorizes additional assistant district attorney general for 21st judicial district. Amends TCA 16-2-506. (HB 0852).**

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0489 -- Hospitals and Health Care Facilities -- Increases freezer air temperature from 20 to 25 degrees. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5. (HB 1114).**

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0509 -- Hospitals and Health Care Facilities -- Establishes rules for assistant training certification; decreases training required before employment. Amends TCA 68-11-209, 68-11-803. (HB 1010).**

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Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0737** -- Indigents -- Enacts "Tennessee Family Insurance Assistance Program". Amends TCA, Title 71. (HB 0907).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0997** -- Drug and Alcohol Rehabilitation -- Creates state coordinating council on alcohol and other drugs; assigns certain duties and responsibilities. Amends TCA, Title 33, Ch. 8. (HB 0686).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1123** -- Criminal Procedure -- Reduces amount of fee to be collected by clerk of court from \$15 to \$10. Amends TCA, Title 40, Ch. 24. (HB 0764).

Held pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**\*House Bill No. 1591** -- Highways, Roads and Bridges -- passed second consideration and referred to the Calendar and Rules Committee.

**\*House Bill No. 1608** -- Election Laws -- Passed second consideration and referred to the Calendar and Rules Committee.

**House Bill No. 1610** -- Chester County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 1611** -- Carthage -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 1613** -- Kingsport -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

**May 13, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1602, 1610, 1611 and 1613.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
May 13, 1991**

**MR. SPEAKER:** The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, May 16, 1991:** House Joint Resolution(s) No(s). 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353 and 354; also, House Bill(s) No(s). 1602, 1610, 1611 and 1613.

PHILLIPS, Chair.

**ENROLLED BILLS  
May 13, 1991**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 647; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED  
May 13, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 647.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS  
May 13, 1991**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 146, 1187, 1605 and 1607; also, House Joint Resolution(s) No(s). 274, 326, 329, 330, 331, 332, 333, 335, 336, 340, 341 and 342; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS  
May 13, 1991**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1236; and find

**MONDAY, MAY 13, 1991 -- FORTY-SIXTH LEGISLATIVE DAY**

same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 210, 243, 280, 568, 966, 972, 1079 and 1483; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 336; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 176, 310, 312, 313, 314, 315, 316 and 318; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**  
**May 13, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 14 and 1557; also, House Joint Resolution(s) No(s). 51, 247, 248 and 249; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.



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MESSAGE FROM THE SENATE  
May 13, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1304; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
May 13, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 531 and 1557; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0531** -- Taxes, Real Property -- Limits penalties and interest on property taxes in certain instances. Amends TCA, Title 67. by \*Dunavant.

**\*Senate Bill No. 1557** -- Courts, General Sessions -- Expands jurisdiction of general sessions court to include probate and mental health commitments in Fayette County. Amends TCA 16-15-5004. by \*Wilder.

MESSAGE FROM THE SENATE  
May 13, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 115, 119, 201, 246, 248 and 249; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Joint Resolution No. 0115** -- General Assembly, Studies -- Continues SJR 40 and SJR 492 to study alcohol and drug abuse prevention and treatment delivery systems. by \*Person, \*Womack, \*Crutchfield.

**\*Senate Joint Resolution No. 0119** -- General Assembly, Studies -- Continues SJR 440 to study desirability and feasibility of establishing statewide program of general public assistance. by \*Henry.

**\*Senate Joint Resolution No. 0201** -- General Assembly, Statement of Intent or Position -- Urges support for Olympic Whitewater Competition on Ocoee River. by \*Patten, Henry.

**\*Senate Joint Resolution No. 0246** -- Highway Signs -- Mayor Ryan

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Holley By-Pass. by \*Darnell.

**Senate Joint Resolution No. 0248** -- Memorials, Personal Achievement -- Jeremy Lattimer, "Working Toward a New Century" contestant. by \*Springer.

**Senate Joint Resolution No. 0249** -- Memorials, Personal Achievement -- Emily Flowers, "Working Toward a New Century" contestant. by \*Springer.

**MESSAGE FROM THE SENATE**

**May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 181, 215, 469, 647, 649, 703, 1175, 1568, 1595, 1596, 1597, 1598 and 1599; also, House Joint Resolution(s) No(s). 14, 84, 334, 337, 338 and 339; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 13, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 9, 56, 77, 724 and 1275; also, Senate Joint Resolution(s) No(s). 151, 223, 224, 225 and 254; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 327; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1078; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MONDAY, MAY 13, 1991 -- FORTY-SIXTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
May 13, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 629.

The Senate nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
May 13, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 771.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1141; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
May 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1264; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED  
May 13, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 9, 56, 77, 724 and 1275; also, Senate Joint Resolution(s) No(s). 151, 223, 224, 225 and 254.

MONDAY, MAY 13, 1991 -- FORTY-SIXTH LEGISLATIVE DAY

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, May 16, 1991.